By Mr. LUCE: Joint resolution (H. J. Res. 183) authorizing the removal of the Bartholdi fountain from its present location and authorizing its reerection on other public grounds in the District of Columbia; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9835) granting an increase of pension to Samantha Sparks; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 9836) for the relief of John D. Dorris; to the Commitee on War Claims.

Also, a bill (H. R. 9837) granting an increase of pension to Margaret E. Giles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9838) granting an increase of pension to Isabell D. Heeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9839) granting an increase of pension to Nancy J. Temple; to the Committee on Invalid Pensions.

By Mr. CAREW: A bill (H. R. 9840) to correct the military record of Nicholas Jones; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 9841) granting a pension to Mary G. Green; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 9842) granting an increase of pension to Martha A. Haggard; to the Committee on Invalid Pensions.

By Mr. DOUGLASS: A bill (H. R. 9843) for the relief of Max Baratz; to the Committee on Claims.

By Mr. FREEMAN: A bill (H. R. 9844) granting a pension to Johanna Mansfield; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 9845) granting a pension to Matilda A. Hammond; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 9846) granting a pension to Mary Jager; to the Committee on Pensions.

By Mr. KELLY: A bill (H. R. 9847) granting a pension to Margaret McWhinney; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9848) granting an increase of pension to Hannah C. Williams; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 9849) granting a pension to Jesse R. Latham; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 9850) granting an increase of pension to Sarah A. Roth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9851) granting an increase of pension to Adacinda Kurtz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9852) granting an increase of pension to Rebecca Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9853) granting an increase of pension to Irena Miller; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 9854) for the relief of Hernando de Soto; to the Committee on Foreign Affairs.

By Mr. REECE: A bill (H. R. 9855) for the relief of Kennedy F. Foster; to the Committee on Military Affairs.

Also, a bill (H. R. 9856) granting a pension to Mollie M. Roberts; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 9857) granting a pension to William Russell Smith; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 9858) for the relief of certain property owners in Orange County, Fla.; to the Committee on Ways and Means.

By Mr. SPROUL of Kansas: A bill (H. R. 9859) granting a pension to Frank C. Clifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9860) granting a pension to Nancy D. McGuire; to the Committee on Invalid Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 9861) for the relief of Wynona A. Dixon; to the Committee on War Claims.

By Mr. SWING: A bill (H. R. 9862) for the relief of Hadley Thomas; to the Committee on the Civil Service.

By Mr. TABER: A bill (H. R. 9863) granting an increase of pension to Margaret Crelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9864) granting an increase of pension to Anna E. Doty; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 9865) granting a pension to Annie Anderson; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 9866) granting a pension to Frank W. Marsters; to the Committee on Pensions.

By Mr. WELLER (by request): A bill (H. R. 9867) for the relief of Charlotte L. T. Coca; to the Committee on Naval Affairs.

By Mr. COLTON: Resolution (H. Res. 152) to pay Robert Curry additional compensation as janitor to the Committee on Elections No. 1; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

843. By Mr. BLOOM: Petition of the Catholic Central Verein of America, New York local branch, concerning the so-called Curtis-Reed education bill; to the Committee on Education.

844. By Mr. CROWTHER: Petition against the enactment of House bills 7179 and 7822, compulsory Sunday observance; to the Committee on Education.

845. Also, petition of voters of Amsterdam, N. Y., urging opposition to the Curtis-Reed bill; to the Committee on Education.

846. By Mr. GALLIVAN: Petition of Moses S. Lourie, 50 Bradshaw Street, Dorchester, Mass., recommending early and favorable consideration of the Graham bill to increase salaries of the Federal judges; to the Committee on the Judiciary.

847. By Mr. GARBER: Letter and resolution by the National Cooperative Milk Producers' Federation, protesting against the inclusion in the independent offices' appropriation bill of appropriation for the United States Tariff Commission; to the Committee on Ways and Means.

848. Also, resolution by taxpayers of Enid, Garfield County, Okla., protesting against the Curtis-Reed bill (S. 291 and H. R. 5000); to the Committee on Interstate and Foreign Commerce.

849. Also, resolution by Associated Federal Board Students, University of Arizona, and others, favoring the passage of House bill 4474, introduced in the House December 9, 1925; also letter from the president of the University of Arizona, favoring such legislation; to the Committee on World War Veterans' Legislation.

850. By Mr. LINDSAY: Petition of the New York City Federation of Women's Clubs, urging that there be a Federal investigation of the American Telephone & Telegraph Co., of which the New York Telephone Co. is but a subsidiary, in order to ascertain how much is needed to finance the city company, and thus be able to fix just charges for the people of New York City; to the Committee on Interstate and Foreign Commerce.

851. By Mr. MOONEY: Petition of United Cleveland Immigrant Conference, indorsing the Perlman immigration bill and protesting the Aswel alien registration bill; to the Committee on Immigration and Naturalization.

852. By Mr. MORIN: Petition of the Catholic Daughters of America, Mrs. Margaret A. Ebrenz, grand regent, of Pittsburgh, Pa., protesting against the passage of the Curtis-Reed bill providing for a department of education; to the Committee on Education.

853. My Mr. O'CONNELL of New York: Petition of the Associated Industries of New York State (Inc.), of Buffalo, N. Y., favoring an amendment to House bill 7180, to give to some Federal administrative body the power to suspend, review, and make decisions binding on both parties in the dispute; to the Committee on Interstate and Foreign Commerce.

854. Also, petition of the National Cooperative Milk Producers' Federation, favoring the abolishment of the United States Tariff Commission; to the Committee on Ways and Means.

855. By Mr. ROUSE: Petition of citizens of Kenton and Campbell Counties, of the State of Kentucky, asking for the passage of House bill 98; to the Committee on Pensions.

SENATE

MONDAY, *March 1, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we render thanks to Thee this morning. Thou hast permitted us to see another month open before us. Goodness and mercy have been our portion thus far, and as we look toward the days ahead we want to realize that we are in Thy care, seeking for Thy guidance. Deliver us from all self-seeking. Deliver us from all the things that depreciate our existence. Give unto us the wisdom to do the things that please Thee. Hear us; be with us through this day and all the days that may yet be given unto us. We ask in Jesus Christ's name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS

Mr. ASHURST. Mr. President, in the nature of a petition, I ask to have read and lie on the table the telegram which I send to the desk.

The VICE PRESIDENT. The telegram will be read and lie on the table.

The Chief Clerk read as follows:

FLAGSTAFF ARIZ, *February 28, 1926—1.50 a. m.*

Hon. HENRY F. ASHURST,

United States Senate, Washington, D. C.:

We respectfully request your earnest support to the passage of the Italian debt settlement now before the Senate. We believe it will in a large measure benefit basic industries of Arizona.

CHAMBER OF COMMERCE.

Mr. KENDRICK presented resolutions adopted by the Lions Club, of Lusk, Wyo., favoring the passage of legislation providing for the inclusion of the Teton Mountains in the Yellowstone National Park, which were referred to the Committee on Public Lands and Surveys.

Mr. HOWELL presented a petition of sundry citizens of Omaha, Nebr., praying for the passage of Senate bill 98, providing increased pensions to Spanish-American War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented resolutions adopted by the Trumbull County Pomona Grange in session at Gustavus, Trumbull County, Ohio, protesting against the terms of the proposed Italian debt settlement, which were ordered to lie on the table.

He also presented resolutions adopted by the Trumbull County Pomona Grange in session at Gustavus, Trumbull County, Ohio, favoring the passage of the so-called Capper-French truth in fabric bill, which were referred to the Committee on Interstate Commerce.

EMPLOYMENT OF AN ADDITIONAL PAGE

Mr. KEYES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 160) authorizing the employment of an additional page for the remainder of the present session. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 160) submitted by Mr. CURTIS on February 26, 1926, was read, considered, and agreed to, as follows:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ an additional page for the remainder of the present session of Congress, to be paid from the contingent fund of the Senate, at the rate of $3.30 per day.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 3338) granting an increase of pension to Arabelle Lehnhard (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3339) amending subchapter 5 of the Code of Law of the District of Columbia, as amended to June 7, 1924, relating to offenses against public policy; to the Committee on the District of Columbia.

By Mr. FESS:

A bill (S. 3340) to regulate interstate commerce in articles made by convict labor; to the Committee on Interstate Commerce.

By Mr. McNARY:

A bill (S. 3341) for the relief of Henry von Hess; to the Committee on Military Affairs.

By Mr. CAMERON:

A bill (S. 3342) to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. SHORTRIDGE:

A bill (S. 3343) for the relief of Estella Howard; and

A bill (S. 3344) for the relief of Mabel Blanche Rockwell; to the Committee on Claims.

A bill (S. 3345) granting a pension to Charles Rives; and

A bill (S. 3346) granting an increase of pension to Patrick J. Manning; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 3347) to enlarge, extend, and remodel the post-office building at Sterling, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MAYFIELD:

A bill (S. 3348) granting a pension to Mary E. Shadle (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 3349) granting an increase of pension to James H. Schnider; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3350) authorizing the President to appoint Richard R. Baker, jr., to the position and rank of first lieutenant in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

By Mr. WILLIAMS:

A bill (S. 3351) to amend section 135 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 3352) granting a pension to Mary J. Walters;

A bill (S. 3353) granting a pension to George B. Bridges (with accompanying papers);

A bill (S. 3354) granting a pension to Joseph L. Youngs (with accompanying papers);

A bill (S. 3355) granting a pension to Joseph M. Cameron (with accompanying papers); and

A bill (S. 3356) granting an increase of pension to Phoebe E. Burkhart (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A joint resolution (S. J. Res. 62) to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses; to the Committee on Agriculture and Forestry.

AMENDMENT TO PUBLIC BUILDINGS BILL

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, which was ordered to lie on the table and to be printed.

NATIONAL FORESTS AND THE PUBLIC DOMAIN

Mr. ODDIE. Mr. President, I ask unanimous consent to have printed in the RECORD a very able and illuminating statement by Vernon Metcalf, secretary of the Nevada Land and Livestock Association, with reference to national forests and the public domain.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

NATIONAL FORESTS AND PUBLIC DOMAIN

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON
PUBLIC LANDS AND SURVEYS,
Reno, Nev., Monday, September 21, 1925.

The subcommittee met, pursuant to adjournment on Saturday, September 19, 1925, in the Y. M. C. A. Building, Reno, Nev., at 10 o'clock a. m., Monday, September 21, 1925, Senator Robert N. Stanfield (chairman) presiding.

The CHAIRMAN. The committee will come to order.

Gentlemen, this is a meeeting of a subcommittee of the Committee on Public Lands and Surveys of the United States Senate. These meetings are being held pursuant to a resolution adopted by the Senate at its last session. The provisions of the Senate resolution place no limit upon the scope of investigations by this committee into matters relating to the public domain and the national forests. The committee has power to investigate and to recommend legislation on any or all phases of the utilization or disposition of the lands themselves, the forage growing thereon, and the timber, mineral, or other resources in or upon these areas.

The scope of our investigations includes not only the public domain but all public lands, all reservations that have been taken from the public domain, such as Indian reservations, mineral reservations, national monuments, national parks, and game reserves. Congress was induced to adopt this resolution by reason of certain bills pending before it during the last session and some bills that have been pending for the previous two or three sessions of Congress, such as a bill for the leasing of the public domain, and for regulation of grazing fees within the national forest.

Is Mr. George Russell, president of the Nevada Land and Live Stock Association, present? Apparently he is not here. We will call Mr. Metcalf.

STATEMENT OF VERNON METCALF, RENO, NEV., SECRETARY OF THE NEVADA LAND AND LIVESTOCK ASSOCIATION

The CHAIRMAN. Mr. Metcalf, will you give your name and address and official connections to the reporter?

Mr. METCALF. The name is Vernon Metcalf. My address is Reno, Nev. I am secretary of the Nevada Land and Livestock Association.

The CHAIRMAN. Have you a statement, Mr. Metcalf?

Mr. METCALF. I have, sir.

The CHAIRMAN. Will you kindly give it to the committee in your own way?

Mr. METCALF. Mr. Chairman, Senator ODDIE, and gentlemen, the first statement I would like to present is a statement left here by the president of the Nevada Land and Livestock Association, whose private business called him away. It is a signed statement. May I read this?

The CHAIRMAN. Yes; you may proceed.

Mr. METCALF. It was the plan, gentlemen, to have Mr. Russell, president of the Nevada Land and Livestock Association, make this statement which he prepared. His private business called him away, so that it now is up to me to act in his place by reading this statement. It says [reading]:

"After several attempts over past years which were not successful as to permanence, the cattle and sheep growers of Nevada, believing that the many troubles confronting them needed organized attention, organized some six years ago what is now known as the Nevada Land and Livestock Association. Feeling that one of their major problems concerned the question of their ranges, they borrowed and then retained to handle their organization the services of the present secretary, who for some 12 or 13 years had been employed by the United States Government along lines directly connected with this problem, his duties having taken him to practically all parts of the range territory of the West, and who had been supervisor of most of the national forest ranges in Nevada, and at the time was in general charge of all lines of activity upon the national forests in Nevada.

"Believing also that the only intelligent method of attacking the complexities of this great problem was to study and investigate its every phase from its very beginning, it has been the policy to have our secretary do this, with all of us lending him our aid. This, we think, has resulted in building up a set of facts based upon directly contributing causes to our troubles rather than to deal with all the varied and numerous local troubles, which, after all, are merely effects from fundamental causes. These facts have been arranged carefully in logical sequence, dealing only with effects sufficiently to point out causes.

"In our numerous conventions since the beginning of our organization many of these angles have been dwelt upon and made the source of resolutions, statements of fact, etc. They have also been used for bringing our troubles to the attention of the various other interests to the end that the whole State might interest itself in these troubles underlying a major basic industry to the end that all could and might help in their solution.

"This led two years ago to the resolution which, so far as we know, was the first request for an investigation of the whole national and public domain range question by just such an impartial agency as you gentlemen represent who are here with us to-day. Thus, we see a step in our hopes realized.

"Within recent days, through the executive committee of our association and its members, we have made a checking up of all the facts at our command and endeavored to crystallize our suggestions as to what might best be done to correct what we know to be a bad situation.

"In order to concentrate on causes and finally to conclude with our suggestions for correction in such manner as to present our case logically with facts arranged in sequence, it has been our decision to have our statement made in full, first, by our secretary. This, we feel, will avoid that great mass of disconnected, often misunderstood, and often contradictory statements, which are bound to occur when individuals of us, not having made a complete study of all phases of the situation, and impressed principally with our own local circumstances, endeavor to discuss the matter.

"Before calling upon our secretary, it might be well to let you know, for the record, that our association represents both sheep and cattlemen of the State, all parts of the State, and all sizes of owners from the smallest through all other classes, and that its reputation in all its various actions has secured for it the credit of working for the industry as a whole. For any necessary indorsement of these points, various of our State officials are present, who can properly answer.

"In such a matter as is before us, even though we agree upon the principles, there is necessarily some shades of opinion with the interests of so many settlers concerned.

"After our statement has been presented and you are ready, we have a number of settlers present, representing various sections of the State, whom you may feel free to call upon either to verify the points in the statement, to disagree with any, or to give their own personal opinions, regardless of the statement.

"If our plan coincides with the wishes of your committee, the presence of which we all so greatly appreciate, we will suggest that our statement by our secretary now be heard.

"GEO. RUSSELL, Jr.,
"President of the Nevada Land and Live Stock Association."

Mr. METCALF. Preliminary to the statement, I don't know whether it is proper, Mr. Chairman, to submit charts in this connection?

The CHAIRMAN. You may file any chart that you wish to file, Mr. Metcalf.

Mr. METCALF. This chart has seen long service and is rather a dilapidated-looking affair to file. If you care for it, we will be glad to turn it over to you.

In this chart an attempt has been made to draw to scale within the red line all the land area of Nevada. The 70,000,000 acres of land surface in the State is represented by scale within the red line on the chart. The divisions of the chart show a classification of the lands as to ownership and status. In this corner first we will take the area of the national forest, drawn to scale also, something in excess of five and a quarter million acres. Below that is the area of Indian reservation land, which is something in excess of 1,000,000 acres.

In the other corner in the two rectangles are all the taxable lands there are on the tax rolls of the State, drawn to scale, against the 70,000,000 acres of land. That is subdivided. The top rectangle is the railroad-grant land, which, as you know, is the raw sagebrush or otherwise covered land in its natural state, checkerboarded for 20 miles on each side of the right of way and granted to the railroad at the time of its construction.

The lower rectangle shows drawn to scale the area of all the rest of the taxable lands of the State owned by citizens other than the railroad company or corporations.

Now, down in the corner last of all, drawn to scale, is the crop land of this 70,000,000 acres of land in this State. That includes all of the meadow hay land as well as the alfalfa land and other crop land.

When we take out the hay land and get down to what you might call a diversified-crop land we have this small solid black rectangle way down in this corner. Now, of that area I think, according to the last census, that all but some 4,000 acres were in cereals. So far as we can find from the records of the public service commission, which show all the tonnage classified hauled by the railroads on the trackage in Nevada, very little of those cereals get out of this State to market. Principally they go into some branch of the livestock industry—hogs, poultry, something along that line.

The point that I would like to make with this chart is to show clearly that at least outside of this black rectangle representing diversified crops with cereals the utilization of everything that grows on all the rest of that land surface is up to the livestock industry. In other words, it must be through the medium of the livestock industry that any wealth that is on the surface of those lands be manufactured into business and revenue.

With that picture of the situation as to the classification and ownership of land in the State, the method through which the surface product must be realized upon for business and revenue, we proceed with the statement.

Few things are settled until they are settled right. The persistent discord and discontent which almost ever since its beginning has marked the public-land policy of our country as applied to the great range sections of the arid and semiarid sections of the West is, in our opinion, merely a manifestation of that axiom.

The policy was wrong in its very beginning and has continued wrong, in our opinion, chiefly because it was developed and applied without that preliminary study of the subject matter to be handled which generally precedes any intelligent attempt at administration of anything. Instead of such preliminary study as a basis for a policy to be applied to the particular area in question, a policy which had been found fairly applicable to the lands of the Middle West was adopted, without thought, apparently, as to whether the fundamental conditions on the ground in the West were even similar in characteristics to those which had guided development of that policy for application to the Middle West. The fact that they were almost exactly dissimilar is, quite naturally, the outstanding reason why the policy has never fit the situation.

The value of land, in so far as is concerned the question at hand, must necessarily be guided by its productive possibilities from such standpoints as climate, topography, marketability, etc. Had a study of this matter been conducted preliminary to application of public-land policies to the lands of the West mentioned above, it would quickly have been found that, in the main, they were valuable only as they were related to the production of a great natural resource, the yearly forage crop produced principally by nature upon the great range stretches. Instead of land primarily, it would have been found, as we find now, that the question really concerns a resource and that the land is, in fact, something of a side issue. The next problem would have been to decide how best that resource might function as a producer of benefit to the welfare of the country as a whole. From an economic standpoint it would have been found, as now, that its production into business and revenue required its utilization by the stock-raising industry. To secure for the country as a whole, the maximum returns for such purposes on a permanent basis policies should have been developed surrounding its best use, taking into consideration all those peculiar but natural conditions surrounding it.

Outstanding among those conditions would have been found the fact that features of geography, particularly that of elevation, had divided the lands concerned into zones, irregular as to limit lines and location but definite as to seasonal availability or use for agricultural or stock-raising purposes. Generally speaking, only the lower elevations, the valleys, were available in winter, only the high mountain ranges in summer, and the intermediate foothill country in spring and fall. Thus, instead of a great areas providing simply range, they provided instead a certain area, limited in each case by nature, of summer feeding grounds, a certain area of winter feeding grounds, and a certain area of spring and fall feeding grounds.

Right here, it seems, the situation would have been apparent, had a preliminary study been conducted, that any intelligent use of the resource by an industry the conduct of which is absolutely based upon the availability of feeding grounds for each season of the year would, in turn, have to be based upon a plan involving arrangement or grouping of the seasonal areas into sets furnishing year-round operating bases.

The real cause behind existing difficulties in this whole problem seems directly traceable to the fact that practically every step in the application of our public-land policies ignored this situation and, instead of apportionment of the lands, primarily of value because of the resource produced by them, in complete sets, have ever gone forward on a basis which from the start has resulted in apportionment among the various groups and agencies now in possession of mere parts rather than complete sets.

A review of the existing situation is usually a good starting point for consideration of corrective measures, and therefore a tracing of the developments resulting from application of such a policy as that outlined above seems desirable.

Developments proceeded somewhat as follows:

It was inevitable that the resource concerned became the starting point for what became the stockraising and ranching industry. The pioneer in that line found a complete base of operations meant provision of feeding grounds for each season of the year, as mentioned above. Nature's provisions for summer feeding grounds and for spring and fall feeding grounds were ample, but the need was seen for quarters where hay could be supplied for carrying all or part of the stock herds through the winter, when, because of climatic conditions, use of the ranges was restricted, the degree depending upon locality. The land policy in effect at the time permitted, as outlined above, only a grant to an area sufficient for a hay ranch or winter quarters. There was no law covering the other seasonal areas. A basic industry, upon which to material extent was later to be reared the entire business and governmental structures of the States of the West, came into being on a basis where the operator owned but a part instead of a complete operation, his future forever bound up in the problem of what happened to the other parts.

As settlers came and established themselves under the laws existing they prospected around for an unoccupied range for summer, with an unoccupied spring and fall range to fit, and then, acquiring under the land laws, their winter feeding quarters, began their battle with the other conditions always making the business a tremendous risk, looking to the time when through their pioneering efforts they could establish a home unit for themselves and their families.

As has been the history of the human race, lacking law to protect those rights upon which the safety of all depended, local customs, which is nothing but the application of the best judgment of the majority as to the safety of those rights, came into being. That custom recognized the fact that without recognition and protection for each settler in those seasonal feeding grounds which he could not own, there could be no property rights in the part which he had to own. The majority forced recognition of this custom as settlement went forward, an exact parallel being the case of the use of water for irrigation in the same arid and semiarid sections.

A resource was being exploited for the building of the great West, but without the application of man-made law surrounding it. That resource had its values when it could be so used as to realize upon them, and that use, as pointed out, depended primarily upon the grouping of the parts into complete sets. What became of those values?

What happened under the circumstances is exactly what always happens when rights are recognized and protected in law to an incomplete thing and when the owner thereof in order to operate, takes, and for years uses, with or not with consent, at least without remonstrance from the legal owner, those other parts necessary to completeness. The values of the operating base, as a whole, owned and unowned, become attached to the owned part. Again, an exact parallel is the case of water for irrigation in its relation to the lands upon which it is used. Under reasonably secure economic conditions, values of business enterprises are rather inexorably fixed by the returns possible from the disposal of whatever the operation produces. What the settlers were building, as shown above, was the ability to operate a certain number of livestock year round, because upon that ability depended the crop, the sale of which had to furnish the wherewithal for the operation as a whole. That ability in turn depended upon availability of the operating plant as a whole, and the operating plant as a whole was the year-round feeding grounds, owned and unowned. So that ability upon which settlement depended in the beginning and upon which the industry came into being and is in being became the foundation of the whole situation.

Commercial and professional business followed settlement, as did local government. It all built upon the back of the settler, whose foundation in turn was the ability to operate, so that ability became the common foundation for all.

Barter and trade went forward under the prevailing conditions. Its basis was also the ability to operate. When an outfit changed hands the value was inevitably based upon what ability it had to operate the number of stock concerned. Therefore, in turn, the values in the operating plant as a whole, owned and unowned, were the basis for the investment values under which barter and trade proceeded, and on that basis those values in full went directly into the commercial life of the whole country and became to a very great extent the foundation of that commercial structure. As deeds could be furnished only to the owned lands of the complete operation, the values of the whole quickly became attached to the owned portions. Those values attached became the basis for tax valuations and went on State and county tax rolls. They became the basis for valuation of securities in financial transactions.

Up to this point in the development the economic situation was secure even despite lack of law. The values upon which the business and local governmental structures were built were in existence. They were exploited, or commercialized, it is true, but not overexploited or commercialized. Despite its delay, had law come even by that time under which the values in the resource concerned had been made secure in the places they had naturally taken, all would have been well.

It did not come. What happened next?

Grouping of parts of anything always involves the principle that the number of sets which can be completed will be limited by that part least in number or extent.

I might just make a straight example there again with our old freight-outfit comparison, a freight outfit taking three necessary parts to complete a unit: A harness, a team of horses, and a wagon. Just as this situation takes three seasonal feeding grounds to complete a feeding unit for operation—summer, spring, fall, and winter—no one of which could be used successfully in the other season of the year, no two of which a man could use to get any place with any more than he could haul freight with a set of harness and a wagon and no horses. Now, if we had a million wagons and 500,000 horses and only 250,000 sets of harness, you could make only 250,000 freight outfits. It is limited by that thing least in extent—the harness.

The natural conditions on the ground made the limiting part the summer range, this seasonal range having less carrying capacity for stock than either the spring and fall or the winter feeding grounds. In the picture of the development of the situation just given, it will be noted that the land law under which settlement proceeded instead of applying to the summer range, the part to the complete sets least in extent, applied to those areas forming winter feeding quarters, probably greatest in extent and possibilities of development of the three seasonal areas.

Right here will be noted a basic fault of the policy. Had the distribution even of parts to complete sets been limited to that part least in extent, there might always have been plenty of the parts greater in extent to fit the holdings of all having the lesser part.

The inevitable result of the situation as it existed, however, was that there soon came a time under settlement when more winter feeding quarters had been taken than there was summer feeding grounds to balance.

Then the inevitable struggle of those with their all tied up in the incomplete parts greatest in extent began for the part least in extent, and remember here that those who had up to this time settled complete sets had in the investment values of the part they owned the values underlying the whole. Those in such a position knew their investments depended upon continued ability to operate the number of stock by which those investments had been guided to begin with. They knew that ability was guided by summer grazing ability and that any loss of summer grazing ability meant a proportionate decrease in the investment value as a whole.

What did they find to be the situation? Under the law or lack of law they found they had no protection in that part to their operating plants upon which the values in the plant as a whole absolutely depended and upon the basis of which the entire settlement program had been based. Not only that, they found their Government giving large areas of that key part under new grants to other groups, other agencies. True, the new agencies could not use them for the only thing for which nature fitted them—stock raising—because they were receiving but parts to an incomplete operation. They also found their Government setting aside large areas containing the summer grazing grounds and spring and fall grazing grounds under withdrawals contemplating uses other than those to which those parts had already been put. They also found new land laws, which enabled almost any comer to secure legal rights in those same parts.

What happened is just what always happens under similar circumstances. Here were a great group of settlers with their life's work resulting from the hardest of pioneering efforts tied up in properties lacking completeness as operating bases and therefore at the mercy of those controlling the parts necessary to completion.

Under such a situation it is inevitable that he who has the heaviest interest in a thing lacking completeness has also the most to lose through lack of availability of that last part without which completeness is lacking.

This heaviest interest has always been held directly by the settlers and their successors, and indirectly by all that part of the business structure which built upon that settlement.

The situation forced the uneconomic step of a reexploitation of values already exploited. It also created a situation under which the established settlers had continually to buy back the missing parts as others were given them or see their owned properties dwindle in value to the vanishing point.

Every cent they had to pay out under this situation inevitably had to be paid at the expense of the investment values as already fixed, simply because through making such new payment that sum was not available at the end of the year to credit to the investment as formerly fixed. Not only was this the start of a situation under which this great group, the backbone of settlement, were definitely on the road from which so far there has been no turning back, of forever increasing their investment in new places at the expense of the original place, but they saw that development of the land policies did not follow the customs that had been seen by the majority to be basically sound and necessary, safeguarding rights in the parts formerly ignored by man-made law, but holding the key to the very property rights in the owned parts. Instead, this development was going off on exactly the opposite course. There is where the outcries against the country's land policies had their birth, and there is where the man-made law definitely got off the track and applied to a resource principles entirely foreign to those the natural conditions on the ground made necessary.

Grants to the railroads, grants for public-school purposes, reservations for Indians, reservations for game preserves, reservations for national forests, for national parks—in fact, almost every step in that direction meant either that the established settler saw some of the seasonal feeding grounds, the values of which were inexorably fixed in the investment values of his owned parts, either withdrawn entirely from his use and applied to new uses or put into the hands of some one who could turn and make him pay through the nose to recover their use.

Every step meant for that settler either lessened ability in the number of stock he could operate to carry his overhead or an increase in the overhead to divide among the same number of stock. Either or both simply meant the milking of values from the place they had taken and their transfer to a new place. The effect largely was simply to depreciate the values which had come into being behind the owned properties, upon which the commercial structure was founded, upon which the local governmental structure was founded, and their placing very often into new hands, which returned those structures little if anything. Specific instances are many in the West, where the economic loss caused by setting to new uses summer ranges, which not only meant the loss of business from operation of an equivalent number of stock, but the loss of the investment values in the ranches, range, improvements, etc., upon which operation of those stock absolutely depended, never was compensated for to any material extent by that new use. None of these grants which followed settlement as above described brought any new lands to the States concerned. Most all of them finally resulted in a change of status of what were at the time and still are nothing but grazing lands, just as they were before the grant. The change did not increase their forage production. They were the same lands and it was the same grass the stock-raising settler was already using, upon which he built his settlement, and the values of which were already in the channels of business, taxation, etc. The result was simply that by depreciating the investment values in what he already owned, he paid for more of the parts he did not own. There was no economic gain, but there was, and ever since this started there has been, the continual economic readjustment which always follows such situations and which, despite all the man-made law that can be manufactured, causes an economic waste, which finally the ultimate consumer of the product concerned must pay in increased prices for that product—the public as a whole.

The process has been continual, because in none of the new steps was it possible for the established settler to finally get ownership to the operating plant as a whole. In fact, the situation has been such as to mean reexploitation of the values concerned over and over again in full.

The situation in which was overlooked the point that summer grazing areas were really the key to the number of complete sets possible, and which instead was granted out that part to prospective settlers furnishing winter quarters, could only bring what has been brought, a condition where we have in owned parts lands capable of furnishing winter quarters out of all proportion to the summer feeding grounds. This situation has resulted in a big group of settlers ripe for exploitation by any agency that could sell to them the means to beat each other to the strategic areas on the unowned seasonal ranges serving to control grazing use of the same. It has likewise made everyone not caught in the economic tangle an eager applicant or supplicant for anything that would give him a right on the unowned seasonal areas, in most instances because, though it was known to be a thing incomplete by itself, it was equally known to be a thing the established settler had to have or lose the results of his life's work. The only thing this situation can properly be likened to is a perfect set-up for blackmail and all the bad result which usually accompanies that practice.

Under this new angle areas controlling watering places on the seasonal areas unowned became the keys to continuance in the business. The various land grants had caused a situation from which it became possible to purchase scrip by the use of which public lands could be purchased, a purchase not involving the peculiar qualifications of residence, etc., required by any settlement law applicable. Just as in the original development, the key winter ranches quickly gained a value based on control, under custom, of the unowned ranges going with it to make a complete plant, just so did values quickly attach to lands controlling water, not on the basis of the productive value of those lands per acre or other unit, but upon the basis of what they controlled in ranges surrounding but useless without that water. These lands, in their turn, then became the thing the operator, whether he be old settler or new settler, had to have to keep up his ability to operate that number of stock needed to carry his property investment in the whole operation, stock and land both. The terrific competition which it is but natural should follow this situation of unbalanced holdings in the seasonal groups needed for year-long operation bid up the values of these key areas out of all proportion to their possible operating return value. He who did not get them not only was out of the race so far as continuing to run stock was concerned, but his ranches, etc., also went out of the race. He had to have them or quit, and quitting, as was so little understood and even now is misunderstood, also meant walking off and leaving his privately owned lands to return to the sagebush from whence they had come. In proportion, loss of any part of ability to operate that full number of stock the original investment had been based upon, meant, as well, a return in just that same part of a part of those lands to the sagebush.

There was no way out. Just as when established settlers, seeing custom breaking down in the protection in ranges, endeavored to keep newcomers off their ranges, knowing that encroachment meant everlessening numbers of stock they themselves could operate and a consequent continual increase in overhead on the dwindling numbers, were given the unjustified sobriquet of "range hogs," just so now were they given the added sobriquet of "land hogs." It seems obvious, upon reflection, that whatever these settlers were and what they may have become was guided solely by the circumstances lack of law or mistaken law surrounded them with rather than any personal choice on their part.

Not only in this new move were the same values which already supported the investment values in the industry being exploited again, but, as previously stated, the terrific competition put those values clear above any possible operating-return basis, a situation which was fraught with danger and for which some day an accounting would have to follow, but also a situation which soon began to rock with distress the entire economic structure dependent upon the industry and the values concerned.

Among others, and merely as general examples, the structures underlying State and county taxes commenced being affected, as did the foundation underlying that great branch of the financial structure depending for business upon the land and livestock industry.

Practically all western tax laws base land assessments upon sale-price bases. As has been shown, the values supporting sale-price bases became in our settlement attached to the privately owned winter ranches and through them went fully on to the tax rolls. The second move, the forced buying of lands controlling water on the big ranges, not only put those same values on the tax rolls again but at scales out of all proportion to their operating-return possibilities. The result was and still is that States and counties generally are taxing values all out of proportion to their earning power; that through this reexploitation and overexploitation the land-tax rolls have in them a material extent of values which do not exist. This has generally served to encourage scales of expense of local governments out of proportion to the revenue-producing ability of the values upon which established, and here we have the source of much of our land and tax troubles in the West. A simple and natural law of economics is simply asserting itself.

Where has the credit situation gone? As the capital investment in the settlers operating plant moved into its various places security values followed. It took and takes some time for economic laws to work. The banker too often of recent years has found himself

holding for purposes of security too many different parts to one complete set, all having the same source when it came to operating-return values.

These examples are given merely to show that unsound economics applied to a basic industry manifests itself in all related lines of endeavor and that any principles which do not coincide with the natural necessities right down on the ground will sooner or later work themselves to the surface in the whole economic structure, where they become an economic loss, often many times multiplied, for the public at large to stand.

No business, no business structure, and, finally, no government structure can live very long on values which simply do not exist, and in the effort sooner or later has to compensate to just that extent that the revenue-making values were overexploited.

Then comes the era of Government reservations for various purposes, including withdrawal for specific purpose of large tracts of lands consisting of various parts of the seasonal feeding grounds, the values of which have not only been exploited but reexploited and overexploited.

This is another example of the fact that to the public mind range was range, land was land. With what is often termed an empire of land, what could it injure anyone to set aside even millions of acres for this new purpose or for that new purpose. Surely anyone who might be using it could move to another place and find a world of range.

The trouble was and has been that almost all of these withdrawals have been located on that very one of the seasonal groups which being least in extent has been the key to all—the summer areas in the higher mountains. As was but natural, they were the very areas which encouraged settlement. Areas suited to summer use were, in settlement of the West, not only quickly appropriated by use, the fact is shown that there was not enough to supply those who, under the land laws, built winter quarters. In almost every case where such summer range areas have been set aside for uses which meant their giving up in whole or part for stock raising, there being no other areas available, just in proportion has the livestock population gone down with the business it brought; but worse, the lands settled in the building of that business have in effect been confiscated so far as operating-return values are concerned. In turn, every time one settler thus lost in whole or part his summer range, he became a competitor in the lists of which there were already too many competitors for what summer range was left, adding just that much to an already bad situation.

As stated before, such moves along this line of reservation by the Government as did not mean an end to stock-raising use, reflected itself, in time, in new charges for that use and as already stated, simply resulted in depreciated private investment values. They also put the whole operation in a state of uncertainty as to tenure under which it has staggered ever since. Previously, as has been shown, prevailing local custom gave sufficient certainty as to tenure to at least permit barter and trade to go forward without too great fear. This new development, however, served notice not only to the established settler, but to all with whom he had to deal, that occupancy of those seasonal feeding grounds upon which his whole operation and investment depended was thereafter uncertain. Needless to say this mounted credit risks and with them credit costs, which continue.

Along with this era came the national-forest movement. To make a long story as short as possible, the stockmen in all of the central and north west, at least, saw most of the high mountain summer range areas surrounded by national forest boundary lines. No wonder they viewed this movement with that alarm history makes so evident. Despite promises by officials in charge who, it seems by the very nature of their promises, knowing they could not bind future government in any manner, the established settler saw the summer feeding grounds gradually taken closer and closer into the fist of an agency where we now have an outstanding example of the axiom that the usual difficulty experienced by an administrator is to avoid the feeling of outright ownership.

For the primary purposes of timber and watershed protection the Congress of the United States saw fit to give over into the hands of a single Government official the executive, legislative, and judicial functions of government over key areas to the very values upon which the settlement of most of the West had taken place, those broad powers, apparently without precedent, over the prop that sustained the very commercial and governmental structures of the Western States, and without which those structures were gone. Unwittingly, in principle, that provision of our Constitution which guarantees all of us against being deprived of our properties without a day in court was forgotten.

This agency has now for some 20 years, under two announced purposes, been operating under this broad power given it by Congress. Those two purposes have been to so handle the resources in its charge as to protect the timber and watershed and to promote, in the utilization of the resources included within its withdrawals, the best public welfare.

What has been the result of its long period of administration?

Another example of the truth of the axiom that a thing is seldom settled until it is settled right, almost constant strife between those in charge and those being administered.

With no bitterness or complaint against those whose task it has been to handle the affairs of this agency, we claim that the principles under which it has been handled have operated against the very primary purpose for which Congress created it and endowed it with this previously unheard of authority, as well as against its own announced purposes, among these being the use of the forage resources to fit in with the agricultural development of the surrounding country.

The fundamental theory has been that the part grazing resource surrounded by national forest withdrawals has been held by the agency in charge to constitute a public property which, according to their judgment of the best public welfare, should forever be held available for reallocation to any new purpose they saw fit, and to which charges for use should be limited only by their judgment. To permit of the application of this theory, the Secretary of Agriculture has reserved to himself, quoting from page 1, National Forest Grazing Manual, effective March, 1924:

* * * "the authority to permit, regulate, or prohibit grazing in the national forests."

This manual also, on page 30, states:

"A grazing preference entitles the holder thereof to special consideration over other applicants, but to no consideration as against the Government."

Needless to repeat, this could mean no other thing than that this part to the seasonal feeding grounds upon availability of which depended the whole structure which had been built, was, as a freak of law, definitely separated from the place it had taken. It was handed to a single government official for exercise, as stated, of legislative, judicial, and executive powers, its use thereafter being at sufferance, only, and with such power to tax as to include the power to destroy.

The grazing use that has been permitted under sufferance has been surrounded by a mass of restrictive regulations, based fundamentally again on the theory that the country as a whole would be helped by taking from the established operators the summer range values upon which they had built and redistributing them among newer settlers. Among the principles in the regulations designed to that end are those permitting periodic reductions in the privileges of the older settlers in order to admit newer settlers and to increase the privileges of the newer settler up to a theoretical point where it was to be assumed the number of stock concerned would support his home unit—penalty reductions whenever the holding of an established outfit had, for any purpose, to be closed out and transferred to successors, the surplus in range gained by such penalty reductions going also for purposes of distribution to others.

I might add there that that is not exactly full, as I come to think now; that some of those penalties, I think, were applied for purposes of range protection, but most of the cases with which we are familiar of range protection reductions—I won't say most, either, but many—have been caused by the admission of new settlers to such an extent that the range was then overgrazed and the older settlers had to be reduced.

The picture previously painted of what had become of the values in the forage resource, including that part surrounded by national forest withdrawals, should be adequate to show what the inevitable result was bound to be.

What was bound to happen to the established settlement seems obvious. They key values upon which it had been built were to be distributed to others. Range charges were to be determined by the administrator. Conditions were ripe for one more exploitation of the same old values.

Sometimes under some conditions advancement is made by taking things from an old use and allocating them to a new.

It seems the best way to examine into the question of whether or not the forest grazing principles based on a new use of old values have worked for the best public welfare is to make the following tests: (1) What they did to the established order of things, as represented by the established settler. (2) What they accomplished in the new order of things, as represented by the new settler, and (3) what they did to the resource not only in its relation to the production of business and revenue through the medium of the industry concerned but also from the standpoint of its value as ground or watershed cover. In all the measure of public welfare must be considered.

First we deal with what happened through the principle of reallocation of the resource, the question of what happened from the application of direct grazing charges being dealt with later.

As to No. 1: What those principles did to the established order of things as represented by the established settler:

It seems clear, without repetition of reason why, that the principles applied to this part resource were out of harmony with the natural conditions surrounding a sound economic use of the resource concerned as a whole from the standpoint of keeping the three essential sets of feeding grounds together and surrounded with like conditions; that they were exactly opposite to the custom, developed prior to this law

of rights in the unowned parts by those owning outright the other parts, a custom which must have been very close to right or it could not have stood under majority support for the long period concerned; that it was based upon reserving for all time values underlying ability of the established settler and successors to operate, it having been shown previously that this ability was what the first settlement had been built upon, what barter and trade had gone forward upon, and what in turn the whole economic structure built upon; that it surrounded the very control key of that ability—the summer-grazing grounds which being least in extent of the three parts—rules and rules the number of complete outfits that could be organized; with the dire uncertainty of merely privileges at sufferance; that it used the key already fully used for development of privately owned winter quarters for bringing more winter quarters under development, throwing the whole agricultural situation out of balance; that it created a situation under which the key to the life's efforts of the first settlers was made a temptation for everyone who, in any manner, sound or unsound, could qualify for it. That the effect was just the same as the effect of other steps in the development of the public-land policy under which after exploitation in full in the original settlement, parts to the complete sets containing the resource concerned, were placed in the hands of new agencies which could not use them for the purpose to which limited by nature, but merely forced the established settler to pay for them again through the nose.

Under the principles providing for taking the summer-range value from the established settler and granting them to the new settler, no new values for business or similar purposes were created. The forage concerned was the same forage already fully exploited and fully commercialized in the first settler's settlement. This was merely, therefore, another exploitation. There could have been and is no net gain in such a situation. For every new piece of land dug out of the sage brush by the new settler to furnish winter-feeding quarters in order to qualify for this grant, some other piece of land, some other privately owned property created by an earlier settler had to be displaced from connection with the key to its value. This situation continually aggravated a condition already existing under the previous steps of the public-land policy of creating winter quarters all out of balance with the summer-feeding ability.

Had the established settler been able to get rid of the responsibilities of private ownership in the parts of his winter feeding quarters continually being rendered inoperative by having a proportionate amount of summer range separated from them, the ride to a fall might longer have been postponed. What happened after such separation? He still owned those disconnected parts. His business required an income sufficient to carry the overhead on both connected and disconnected parts owned to pay the taxes at the same old valuations on both, and to pay interest on outstanding obligations on both. As summer ranges were lost numbers of stock which could be operated diminished until very shortly a situation was evident where operating returns per head did not begin to keep pace with the steady mounting item of expense per animal, then despite the fact that the particular settler concerned might still be rated a cattle baron he was just as effectively bankrupt as is the small operator when his expenses per head are greater than his returns per head. This is a point the forest grazing principles seem to have utterly lost sight of. It appears they assumed that so long as a settler still had what they termed an economic unit of cattle, he couldn't help but be prosperous. It isn't and never has been and never will be a mere question of numbers of stock under such conditions, but a question of how many stock must be run to support the plant investment.

It began leading the business structure of the State and the tax structure off the track of sound economics. Only an ever-increasing summer carrying ability could have kept pace with the continued increase thus forced in winter feeding ability. The old complete units remained on the tax rolls and in the business structure at the old values. The new units being created by giving them the summer ranges exploited by the older settlers went into the established order of things on those same values. The fallacy of such a situation is apparent. Nature fixed our summer range limitations. These were the same ranges they had been before the national forest withdrawals were made. It was simply the same old story of reexploitation and with the certainty of a day of reckoning when the State would find once more as the original settlement and customs underlying that settlement had demonstrated that when the summer ranges—these being the key—were once all connected up with the other parts to the set, the resource was exploited in full and when the values in the unowned parts became attached to the properties owned, the values in the resources in its entirety was commercialized in full. The State must now work its way back to this situation, which involves getting the owned winter quarters back into balance with the summer range capacity, which means virtually a return to the sagebrush for all that material acreage of winter quarters created in excess of summer range capacity, which means the business structure and the tax structure contracting itself back to that basis, which all means an utterly useless and needless economic waste, finally, in one way or another to reach the public at large.

As to No. 2: What the principles accomplished under the new order of things. The situation of the new settler.

Reference is made again to the fundamental theory underlying management by the Forest Service of that part of the resources surrounded by their boundary lines; this being to regard that part of the resources as a public property, to be held available in their judgment for reallocation to any new use they see fit; measured presumably by what they conceive to be the best public welfare.

It is obvious one of these new uses was a redistribution of this resource to new settlers. However, still holding it available for other new settlers who might come with the years, and for even other uses foreign to grazing, they necessarily kept the new grantee, together with the older settler, on the same basis of occupancy at sufferance. So all the new settler got, as did the older settler, was a privilege at sufferance. In order to get it he had to secure, under ownership, feeding grounds which, with the grant from the Forest Service, would give him a year-round or complete operating plant. The new settler thus, just as with the old settler, got started off on the unsound and trouble-breeding basis of owning only a part of a complete operating plant, with the parts lacking in the hands of an agency which under its announced policy permitted their use only at sufferance.

Just as truly as with the older settler, this new settler was building on the values in the forage resource, values which did not exist unless he could count on the use of a complete set of the seasonal feeding grounds containing the resource necessary to year-round operation. In the case at hand, the forest ranges, it is evident that wherever his operating meant his sharing in ranges already fully in use, he was building on the same values his predecessor had built upon; values already fully exploited and fully commercialized. The result is obvious in so far as economics are concerned. But what of the future of the new settler after he gets his grant at the expense of his predecessor?

As stated, he finds it is his only under sufferance and subject to extinction at the direction of the agency in control. This, as with the older settler, surrounds his whole operation with uncertainty, both the owned and unowned parts. Items of risk are high, as are all expenses influenced by risk. Not only this, but when it comes to the actual use of his gift he finds that use surrounded by a mass of restrictive regulation. By officials, who may or who may not be experienced in the economics of the situation, the practical conditions surrounding a use of the resource as a whole concern, or the practical needs of the business he is in, he is directly or in effect told what start he can have as to numbers of stock on the summer range; where he can graze them; where and under what conditions he can trail his stock in and out of his range; how fast, if at all, he can increase his numbers; after his start, what the limit of his expansion shall be; when and to what extent he in turn shall be reduced for still other even newer settlers; when he can use the range and with what class of stock; how he shall handle them; salt them, breed them, brand them, bed them, gather them; what improvements he must or might construct at his own expense on Government land to facilitate the handling or improvement of the range used; who owns the improvements after they have been so constructed; what other permittees he shall or may graze with; to what extent he shall share range with them and they with him; whether he has more range than he needs and thus shall forfeit some, or whether he has less and shall therefore cut down his numbers; where he must reside in order to continue his privilege; how much and what kind of improved property he must own and operate in order to continue his privilege or increase it; and where it must be located and how it must be used in connection with the operation of his permitted stock; that he must keep his personal affairs and transactions relating to his business open at all times to the officials in charge; what part of his range might be closed to his use and given over to other purposes such as recreation, game protection, etc.; what other persons he might cooperate with in the management or operation of his outfit and what share others might have in either his owned lands or stock; that he and his employees must respond to fire-fighting calls; that he is liable to reduction in numbers permitted if his employees violate any of the numerous requirements; that he must either have employees the actions of whom in the management of the stock coincide with the ideas of the officials in charge or suffer penalty in loss of range; how much he is to pay for the privileges of grazing, trailing, etc., no limit being in effect; and finally, if he can not make a go of it, after undertaking the development of the owned part of the operation required in order to qualify for the grant or gift, or if he passes on from this world, he is told whether or not he can pass the gift, in which the value of the whole is fixed, on to others, and, if so, who those others must be as to qualifications, etc.

Strange to say, and without attempt at levity, by special provision on page 43 of the Grazing Manual the matter of moral reputation rather than being handled by regulation is left to decision of the courts of the land.

Needless to say, the older settler is equally restricted as above, and by the institution of theoretical limits of numbers of stock, even to greater extent.

It does not seem necessary to point out that under such broad regulatory powers in the hands of an agency of the Government applying to a thing which is the key to everything concerned in the operation as a whole there can be little, if any, discretion in or certainty of operation left, certainly in fundamental necessities in the safety of the investment values at stake.

As to what has happened generally to all that great group of new settlers who have been attracted during the years by the opportunity to share in a thing most keenly in demand mainly because it was already the key to the investment values of all prior settlers, but to share in that thing under such uneconomic and unbusinesslike principles the Forest Service records themselves probably furnish the best answer. Rather than the artificial theories prevailing, whether or not the newcomer stayed depended almost entirely upon whether or not the natural and economic conditions on the ground were suited to operation of smaller units, and whether the smaller operators really were able to get together all those part-year feeding grounds, which, with the gift from the Forest Service, did, in actual effect, constitute a practical and complete operating unit. Bear in mind here that by the time this development of redistribution of this part resource by the Forest Service came about, the older settlers generally and their successors had, by the very nature of things, been forced to acquire more land holdings, at least as measured by dollars invested, than the numbers of stock they could operate, with their key ranges constantly being encroached upon, ever could justify.

Generally, the rule as to how much and what kind of property the new settler should own per unit of stock he was permitted to graze at the expense of reduction on the old settler was based upon the average holdings of those established and the existing custom of the locality. To a material extent, as stated, this was above the amounts justified on a per head basis, and when used simply started the newcomer off on the same basis of overloaded overhead investment which surrounded the established operator under developments up to that time. Naturally, this helped bring to a fairly quick end the operations of many new settlers. What these factors did not handle, the very same old land policy covering homesteads which got the old settler off the track, did. Say the new settler got a full 160 acres of cultivatable land under his homestead grant. With every acre improved, this meant quite generally in our State a production possibility of a ton of hay for winter feed to the acre. Taking the specific case of the Humboldt National Forest in Nevada, where the forest grazing rule requires for all new grantees purchasers of old outfits included, ownership of land furnishing at least one ton of hay for every permitted cow, this would mean that this new settler's limit in permitted numbers, as limited by his hay production, was about 160 cattle, a ton of hay to the acre, being the basis, and this is about the average for the State.

On that forest, by rule, it was long ago decided that a settler could not maintain his home unit with less than 250 cattle. The fact is we all know that under our conditions the farmer with the crop possible from operation of 250 stock cattle on the ranges has mighty little chance of coming close to supporting a home unit. But there is the settler with a 160 head limit.

Many and many of our settlers never got a full 160 acres. Particularly within our national forests many settlers have been, in effect, induced by prevailing land policies to try it on much smaller areas. On this same national forest in the classification of lands carried on some years ago in order to facilitate entry of alleged agricultural lands, a rule was followed that areas as small as 40 acres would be considered and announced to the world as home units. Such settlers could expand to a permit limit of 40 cattle.

Bear in mind that, at least in theory, they had to have 250 head of cattle to make a living. We know as practical stockmen that with the great number of cattle that must be owned under crop conditions it is not possible to establish a home and maintain it on the return from the operation of 250 head.

The result is obvious. The limitations quite generally have the new settler beaten before he starts. But what lured him on was a gift; a gift of a thing apparently of great value because it was so in demand. The reason for this demand was also obvious.

Without the limitations, on the other hand, the whole thing would have become an out and out socialistic distribution and the results quite clearly would have been those which it seems certain would follow principles involving periodic distribution of all wealth.

As the force of economic and natural circumstances began to pinch, the natural development was that the fellow who in the start had most at stake because he owned the heaviest part of the incomplete operating unit, the old settler, at whose expense the newer settler got into the game, in another spasmodic attempt to get back the key to his operating plant, usually became the purchaser of the bankrupt new settler, provided the restrictions in effect permitted this. If it didn't, then the new settler saw his number of possible customers limited by the very system which had led him into the game. Obviously only those operators with some size could, generally speaking, purchase failing outfits. However, this practice grew less and less, simply because the whole system, as the older settler soon found, provided that after his buy, as before, he was subject to reduction again and again for the never-ending crop of those willing to experiment as new settlers.

Now, with a bit of added impetus because of the general period of stress, when the newcomer falters and looks for a chance to get at least something for the time and effort he and his family have put in trying to make the grade, he finds mighty few buyers simply because experience under the system has shown to the world that the new settler, just as with the older, has nothing but a permit at sufferance in that thing which gives value to what he owns, and in the final analysis, nothing to sell because protection to the buyer in any right to the values for sale is lacking. Many new settlers who are still surviving this combination of circumstances are doing it at the expense of privation for themselves and families. Their only other choice is to walk off with no returns for their time and energy.

In discussions of this problem, those stock-raising settlers who happen to hold national forest grazing preferences have been dubbed, particularly in the Rachford range appraisal report, as "the favored few." The fact is that the whole study seems to make it questionable if, in the whole situation developed, there are any favored few. If so, they must be those who, coming late in the game, saw the impossible situation in which those owning parts to their operating plants were, and succeeded in getting into the game owning no such parts and with none of their investment in anything except the liquid asset of livestock, which, of course, has hardly been possible on the national forests, but has on other areas related to the public domain.

If any group holding national forest grazing preference have been favored, it must be those who, over the years, have been admitted by being given the key values which the prior settlers built upon. The facts of the matter seem to demonstrate, however, that even that group have simply been led into a trap and finally find themselves almost as unfortunate as the prior settlers who are still struggling to find a way out with something.

If we compare the situation of the older settlers whose key summer ranges were so situated that forest withdrawals did not surround them, with those whose key summer ranges were so surrounded, we find that mighty few, even as bad as their situation is, want to see their ranges included within forest withdrawals under existing grazing administration principles; while, with no law protecting them in the continued occupancy on their summer ranges, much of which is public domain, there is also no law permitting some agency to take those ranges from them to hand over to others and at least nothing to prevent that group from doing their utmost—in open battle—to prevent encroachment on their key ranges.

Naturally, there will always be a goodly number of people looking for and anxious to get that rather chimerical thing, something for nothing. The forest grazing principles have led many and are still leading many to think they provide for this elusive gift. It is but natural, under such a situation, that a large group will come into being, anxious to get at the key to the values in the established settlers' holdings, if for no other reason, to make him pay to get them back, and that this group will continually complain at anything which stops or delays the game. This situation is just exactly what is usually behind new legislation along homestead lines. It is just how the 640-acre stock-raising homestead is working out in our own territory, and we constantly hear the rising voices of those who find themselves even temporarily denied full access to their "raw meat."

Before going further I would like to read into the record a copy of a petition addressed to the United States Biological Survey at Reno, Nev., received about August 25. This petition is signed by 79 of what we might call the small settlers, the newer settlers, who are trying to get along—at least a goodly share of them are—situated in the very vicinity of the Humboldt National Forest in northern Elko County. I submit this as something to show what happened to the fellow who got his nose in the trap of the theory that he could get something for nothing. It reads:

"UNITED STATES BIOLOGICAL SURVEY,

"450 Gazette Building, Reno, Nev.:

"We are advised that it is your intention to place poison baits for coyotes through the northern part of Elko County.

"The depression of the last few years has made trappers out of many of us who depend upon the sale of coyote furs for a part of our livelihood, and we feel that at this time it would be as unjust to destroy this part of our income with poison as it would be to destroy our timber with fire.

"Therefore, we, the undersigned, do respectfully request that no poison be placed for coyotes in our section of Elko County by Government or State employees."

Those fellows, as I picture them, gentlemen, can not appreciate that there is any humor in that situation at all. They have been led into a situation where they can not make a living on their homesteads—just as the Madeline settlers told us up here at Susanville at a stockmen's meeting not long ago, when they were considering the raising of funds to poison the coyotes—that "any time you eliminate the coyote from that section you take our winter groceries, because they have given us the only source from which we can get them."

Senator ODDIE. At this point, Mr. Metcalf, I will ask you to tell the committee your experience with a disease, rabies, which has been prevalent among the coyotes in this and other States for some years, and the effect of that disease.

Mr. METCALF. Briefly, I can simply say that it has caused a heavy property loss in all classes of livestock, and that it has caused several deaths of human beings. I think the record shows that over 200 persons that were bitten by rabid coyotes in Nevada during the period of the outbreak took the Pasteur treatment here at Reno. Do you want me to go into greater detail than that?

Senator ODDIE. Has livestock suffered any as a result of this disease among the coyotes?

Mr. METCALF. I can say, from the information that has come to me in reports from the stockmen, that they have suffered materially.

Senator ODDIE. Will livestock that have been bitten by rabid coyotes in turn attack other livestock?

Mr. METCALF. That is said to be true by those who are, I think, competent authorities.

Senator ODDIE. Has any property damage to livestock resulted from rabies?

Mr. METCALF. Certainly; there has been a heavy death loss.

Senator ODDIE. Among cattle, sheep, and horses?

Mr. METCALF. I think the heavy loss has been principally among the cattle.

Senator ODDIE. Has there been a larger loss of cattle and sheep because of the rabies than would ordinarily have occurred from the healthy coyotes?

Mr. METCALF. I think undoubtedly there has been.

Senator ODDIE. Is this campaign against the coyotes in this State caused by the natural and normal damage done by them, or by the damage done as a result of the rabies and of the fear of the result of that disease?

Mr. METCALF. I think it is a combination of the two, Senator. The State appropriates out of its general fund large sums of money every year to assist the Federal Government in the control of the coyotes, clearly on the principle that it is such a heavy damage to property and such a danger to human life when the rabies breaks out; it is clearly to the public advantage to spend the money for that purpose.

Senator ODDIE. Do you know whether the Federal Government has expended any money in this State in the last few years to exterminate the coyotes because of the existence of rabies?

Mr. METCALF. Oh, yes; since 1915, if my memory serves me right, steadily every year.

Senator ODDIE. And the Federal Government does recognize the unusual danger to human life and livestock because of this disease?

Mr. METCALF. Yes. May I volunteer a statement in that connection?

Senator ODDIE. Yes.

Mr. METCALF. The reason underlying the use of poison in the control of the coyote is because all of those who have studied the question closely have determined that over all the years they have sought to control the coyote traps have been too slow; the coyote could breed faster than the trappers could trap them, taking them one at a time. That has led to a situation where it has become necessary to adopt a system of control that is causing large expense to the Government. Poison is being used, by very careful methods developed by experts of the Government, and the result simply is that the coyotes are being destroyed in sufficiently wholesale numbers as to cause this fear that we see on the part of those who have been put into the position where they have to live off of them the fear that if the use of poison is continued that source of revenue to them is going to be lost.

Senator ODDIE. Do you think the signers of this petition fully realize the danger that exists because of this disease of rabies?

Mr. METCALF. I would like to answer that by saying that, trying to put myself in the place of some of those fellows, I would not even stop to think about it when my winter groceries were concerned.

Senator ODDIE. Do you think, then, that conditions brought about by the Government through these forest-reserve regulations has forced the signers of this petition to take that position?

Mr. METCALF. I would not lay this all at the door of the Forest Service. This started with the first application of the first public-land policy in this State, when it began to place settlers in a position where they only gave them one of three things and kept the other two in a situation where they have had them at their mercy. The only part of the Forest Service that we object to is that it has perpetuated that system—we do not even charge that they started it—which away back 50 or 60 or 75 years ago caused a homestead section to be treated as a section without ever coming to find out what resource it was that made the land valuable, and, instead of giving a man the resource upon which the settlement was made, it gave him the winter quarters of that resource and has ever since been giving to everybody else the other two parts of that resource.

As to No. 3: What the principles did to the resource from the angle of business and revenue production and from the angles of its relation to other sources, the watersheds, timber, etc.

From the picture already drawn, it is obvious that the principles mentioned resulted in surrounding the use of the key forest reserve summer ranges with such a state of uncertainty that no settler using them for grazing could look forward to continued occupancy of the range concerned with any reasonable degree of confidence. Under the announced regulations, continuation of that occupancy was absolutely at sufference of the Secretary of Agriculture. The operator could be moved to another range, or moved off his own range in whole or part, for other stock raisers or for other purposes. He never knew with any degree of certainty when he finished one summer season what his lot would be for the next. He didn't know just how the officials who might happen to examine his range would rule as to its condition. If the official who happened to do the job felt it was grazed too heavily, the operator stood to have his permit number reduced for range-protection purposes. On the other hand, if that official who made the inspection happened to feel that, possibly in comparison with other ranges, this particular allotment was in very good shape, then there was a chance that some of it would be handed over to some other settler whose allotment did not appear to be sufficient.

This situation resulted just as would all similar situations to put the user in a quandary as to how he should conduct his operation. Certainly there could be little incentive under such conditions for him to exert himself toward that handling of the range that would result in its decided improvement. If he was in that minor class of users entitled under the various rules to increases in permitted numbers, an improvement in the range-carrying capacity meant only the advantage that, together with all others in that class, he might possibly share in the benefits from that improvement. To all the major class, who, under the limit rules could be given no increase in permitted numbers, it merely meant creating something in which he could not share the benefits, but which would be given to other settlers or to other purposes.

This whole condition brought about a situation under which the person making use of the resource had so little certainty of continued use or of benefit from improvement in the forage crop, the ground and watershed cover, that instead of an incentive toward its improvement there is no secret to the fact that the exact opposite was the case.

It operated, therefore, directly to surround the operator with circumstances under which he was practically estopped from applying to the use of the resource those principles which he knew should be applied both for the benefit of the resource itself and for its future value to whoever was to use it. Right here, in our opinion, is the basic reason why in all the years of forest-grazing management under the principles outlined there has been, generally speaking, so little improvement in the condition of the forage resource, despite the fact that reduction after reduction in numbers of stock that could be grazed have been made for range-protection purposes, as well as the basic reason by the stock-raising permittees have apparently been so slow to put into application the various principles underlying the use of range which have resulted from the expenditure of much time and money by the Government in conducting various experiments to demonstrate the principles that should be applied.

There are many outstanding examples to prove that there are no real reasons why either cattle or sheep can not graze upon feeding grounds without material injury to the ground cover, whether it be herbaceous vegetation, brush, or timber, or whether it be primarily valuable for its grazing value, or its watershed or timber value, provided the circumstances surrounding that grazing use are such that the owner of the stock can really put into effect, in the grazing use, those principles of good range management which he not only knows to be right but has demonstrated that he knows are right, almost since the beginning of the ranching and stock-raising industry in the West.

The point is made here that it now begins to be apparent that the important thing in any intelligent grazing use of feeding grounds is the circumstances surrounding that use rather than who is to use them or with what kind of stock.

If the use is surrounded by circumstances which provide an incentive for the operator to apply intelligent principles, they are applied. If not, they are not applied; and it seems without the bounds of reason, with the known shortcomings of human nature, to expect otherwise.

That the settlers know the principles surrounding an intelligent utilization of forage grasses, and knew them even prior to the various experts, is aptly demonstrated by the management of their grass-hay meadows. They never harvest that crop until it has grown to maturity, knowing that by so doing they get a maximum production of feed and keep the grass roots in a healthy condition for production of future maximum crops. Why is this so? Principally because the settlers own their hay fields and the law protects them in that ownership. Benefits accruing from intelligent management are theirs.

There is a clear cut and unmistakable incentive. Suppose the opposite situation were true, that the operator had to use his hay ranch also under principles of sufferance under those general principles applying to the range. The answer seems obvious.

May I just dwell for a moment on one illustration? Suppose we had to use hay fields as community hay fields. Suppose there were five of us, and each one of us had our mowing machine. Every time it looked like Bill Jones was going to get his mowing machine out I would have to get my mowing machine out. Whether that grass was only 2 inches up above the ground, whether it was only 3 inches up above the ground—I might know just as well as I know anything that Bill Jones should not cut that grass, that the grass ought to be allowed to grow; but what could I do under the circumstances? It is not my choice; it is not Bill Jones's choice. It is not the way the grass is harvested; it is not the question of who is harvesting it. There is the lack of the application of the only principles that can possibly apply to the handling of that hay field as it should be handled.

There are examples in the West where conditions have operated to place in private ownership complete sets, year-round feed grounds; in some instances under conditions exactly paralleling our own, with the summer part in the high mountains valuable not only for grazing but for watershed and timber purposes. Even despite the fact that in these cases the operators own the timber and own the watershed and apparently, without legal liability to others, can injure either or both if they choose to do so, does the injury take place? Can anyone show, or does it stand to reason, that under such conditions the average human with average intelligence would deliberately cause willful damage to those things which he knows underlies the very value of his holdings, which fix absolutely his operating returns, his sale price if he sells? When the Middle West went finally under private ownership, with its millions of acres of pastures privately owned, did the owners turn and denude them? No one seems to be complaining that all those areas are being used with so little intelligence that the ground cover has been depleted and that all that part of the Mississippi River watershed is eroding.

There may be and are examples where privately owned ranges are being injured through grazing done by the owner. Investigation will usually show some good basic reason other than the owner's willful desire to injure his own property, usually that while the part is owned, other parts to the complete set involving year-round operation are not, and that lack of control of the unowned parts are forcing him to rely too greatly on the owned part.

The final answer seems to be that the very fact that in its use this resource has been surrounded, almost since the beginning, with circumstances which never have given the user even a fair chance to apply intelligence to that use, have made that resource the pawn in the game. Under the various public land laws and under the national forest range principles it has simply been a case of a use of a thing being everybody's was nobody's. We all know what usually happens in such cases.

This analysis also seems to point to the fact that all the propaganda which from time immemorial has been aimed at livestock and at the livestock settlers as destroyers of forage and timber cover of the public lands was simply another of that ever-increasing list of similar mistakes where an effect rather than a cause was singled out, with resulting injury all along the line. It was not the livestock, not the "hoof locust," as the sheep has been unjustly called, not the range hogs, as the settlers have unjustly been called; it was simply the lack of application to the use of the resource of the only principles under which the user stood a ghost of a show to use it with consideration for its future value.

The result has been, generally speaking, an ever-decreasing value in the resource itself, the very resource upon which the West was built, the very resource in which lay the key to the investment values, security values, tax values, the resource which also meant watershed values, timber values.

I would like to stop there and point to the fact that various Presidents of the United States have not seemed to be afraid that if they put sheep on the White House lawns the lawns were going to disappear. The lawns did not disappear, but the circumstances under which those sheep could eat the lawns gave the sheep a chance to graze as they wanted to graze. It gave the owner a chance to let the sheep graze as they wanted to graze. They did not have to have another crowd moving in on them every other day. They did not have to beat anybody else to it. They did not have to get the mowing machine out the night before the other fellow got his out. There was a circumstance to show that when the right conditions surround the use of this thing there is no danger of this situation that the Forest Service has continued to fear, which I believe they really do sincerely and conscientiously fear, that if you turn the range over to the stockmen and let them do as they want to, those ranges will disappear in two weeks, and the timber will go, and the watershed will go. The fact of the matter is they have never got down to the cause underlying the whole thing, and they dwell on the effects, which, in my best opinion, they charge up to the wrong place.

In the case of the national forest the issue seems to stand out clearly that the result has been to operate directly against the very primary purposes for which Congress established them, the protection of watersheds and timber.

Another angle: It has been charged, and justly, that the western stock-raising settlers were not exercising in the management of their stock, in many cases, those efficient principles which had been demonstrated successfully in other parts of the country leading to a greater production per unit of operation of a better product, and thus themselves were not doing their part to increase their per unit returns against the increasing per unit operating expenses.

The unfolding of the picture points directly to the fact that an operator, no matter what the line of pursuit, who has no definite form of control over his operating plant, and his whole operating plant must necessarily be the victim of circumstances over which he has no control when it comes to his methods of operation.

Just now, under the circumstances prevailing in the range question, was it to be expected that the operators would be foot-loose to make those changes in operating plans calculated to produce more and better calves per cow. The very principles which kept the ranges upon which he had to operate some material part of the year open to all, definitely fixed also the principle that the only progressive movements which could then be made would be group rather than individual movements. No individual could with safety move faster than the group. The group was no faster than its slowest member. If his methods were in advance, he had to share those advanced methods with every other user. If an individual tried to pull the group up with him, he soon found that inefficient methods of other individuals nullified his efforts and he had no power over those others.

Investigation, we firmly believe, will quickly show that practically every suggestion for improved methods of handling livestock coming from the various governmental, educational, and other agencies, as illustrated above, can not be put into effect in any general manner as long as principles prevail under which the operators who must apply them are surrounded with circumstances in the operation of their business where they have no definite form of control over the parts essential to the complete operating plant.

Further continued investigation seems to point to this very situation as the root of most of the evils surrounding the existing situation as it relates to the range livestock industry. In turn, just as always happens under such circumstances, the fact that one branch of an industry, one cog in the wheel, is off the sound track of economics serves to seriously affect the industry, the wheel as a whole.

Here we dwell just for a moment on what it has caused in uneconomic methods of operation of the livestock itself and what effect the existing situation has had on the conditions surrounding agriculture generally.

Older settlers, finding owned ranch lands on their hands which, under the system in operation, had lost their productive value as formerly by losing connection with the unowned key ranges to fit them usually commenced a struggle to save something from the wreck. In States more favored by nature a great part of these lands necessarily had to go into direct competition with all other lands the owners of which were trying to make a success without range in connection and therefore from another means than livestock. This not only meant a constant addition to that group of lands and a constant addition to production of the crops concerned, but altogether too often it meant that such lands, being primarily suited for the purpose for which originally used, produced under the new use an inferior product.

We all know, as we have repeatedly been told by various Government agencies, agricultural experiment stations, etc., that inferior products going on the market tend to drag down the price for the better products, but what else could happen. Force of circumstances, out of tune with economic and natural laws, was the taskmaster. In specific cases, this very situation has forced many owning ranch lands suited primarily by geographical location and climatic conditions to production of hay to a feeder operation, to attempt to make out of the part of their hay ranches which lost connection with the unowned key ranges, a half-fat beef proposition. When those half-fat beef were thrown on the market, those whose lands were suited to producing really fat beef yelled loud and long against this forcing down of price scales generally. The yell seldom stopped the uneconomic practice. The operator concerned was forced by circumstances outside his control.

These briefly outlined examples merely serve to show some of the specific instances where one branch of the industry off the track forced many harmful influences to other branches. Many causes have been assigned by many experts to the reasons for these harmful influences. Our investigation convinces us that the real cause is the situation surrounding the operating plant as a whole of this branch of the industry and that its elimination depends upon adjusting that situation.

In the whole situation, the conditions surrounding grazing use of the national forest ranges and of the public domain ranges are, in the main, caused by the same mistaken principles.

In both instances the settlers and their successors, holding outright ownership to material parts of the operating plants, are still at the mercy of the management or lack of management of the unowned parts, over which they, the settlers, have no definite form of control.

In both cases use of the unowned parts is under sufferance or passive consent of the Government. In both cases continued occupancy is uncertain. In both cases the values in the unowned parts most naturally and unavoidably are inextricably part and parcel of the values in the owned parts, part and parcel of the business structure, and of the tax structure. In both cases, the unowned parts are, in turn, lacking in completeness when it comes to the operation of the only business for which the resource concerned is suited. In the case of the national forest ranges, the older settlers rights are given to others by the broad regulatory powers created by law. On the public domain the general case is, the settler loses them to whoever wants to come and fight for them without law. But, ever and always, to the older settler, the result is eventually the same, a reduction in numbers of stock that can be operated to a point below the ability of those left to carry the overhead investment concerned. To the newer settler the result, uniformly, is that he, too, is building his home, a part of an industry underlying the entire social and economic structure of the West, on this same most unsound basis. To business generally, the result, uniformly, is a most uncertain foundation. To the resource, not only in its relation to grazing, but in its relation to timber and watershed values, the result is altogether too apparent to need emphasis. To the efficiency of operation the result is the same whether it be the national forest or public domain phase of the problem. The welfare of the country is affected similarly by both situations.

The grazing charge angle: A fundamentally sound principle in all soundly organized commercial enterprises is that there can be no more values to all those things upon which depends the turning out of whatever product is concerned, than the value justified by the operating returns from that product. If the product can not be marketed at a figure sufficiently above its expense, leaving out plant investment, to permit some interest return upon that investment, then any real values behind that plant investment are certainly most doubtful. At any rate, they can hardly be greater than that sum represented by a capitalization at a fair rate of interest of whatever sum is available from operation after all other necessary charges to credit to the plant investment.

Another point in this connection is that once organized with an investment in plant representing all that plant is worth from such an operating return basis, any further investment outlays to enlarge that plant which do not result in increased operating returns do not increase the values underlying the plant investment and this condition soon forces the writing off in inventory values of all such additional outlays.

In the case at hand it has been shown how all the values in both owned and unowned feeding grounds underlying the ability to operate the number of livestock concerned in our settlers' holdings were exploited in that settlement and in the barter and trade which under the prevailing custom went forward in all the years up to that time when, there being no law to fit the situation, custom broke down.

I am not much of a lawyer and I may be wrong in the legal phases of this, but every condition surrounding this situation is exactly similar to any situation which in law is covered by the doctrine of prescriptive right. You see a situation built up here, gentlemen, that can be compared to the situation where you go out on the outskirts of this city and build a factory. As I have shown here, and as you all know, the values in that factory would finally be determined by the operating return of the product. It might be sold and bought and resold. It goes on the tax roll. The banker takes it for security. In future years along comes a man who says, "I own this right of way. You did not buy that right of way." A settlement has grown up all around your factory, and the only way you can get into your factory is over this right of way.

If I understand the law correctly, when that situation arises, when the use of that right of way has gone forward for a sufficient number of years, so that the value in that right of way has gone into the hands of innocent purchasers, when it has gone on the tax roll, when it has gone into business, when it has been spread among all the public, that man can not get those values back. It is a matter of public concern, of public welfare, that the law of prescriptive right shall obtain, and that for the general protection of the majority who are now living on those values, since that man has so long failed to assert his claim, he loses his right. It is simply a case of the protection of the greatest number.

But here again the Government sets up artificial restrictions. They say such rules will not operate against the Government. Well, why does the common law recognize that doctrine? Because we know that to give that man back the values in that right of way you have got to take them back from the places where they have gone. The tax roll has got to give them up. The banker has got to give them up as security. Business has got to give them up. It causes such a readjustment all around that the interest of the public must prevail as against the loss of this individual. Now, here is the Government—it does not matter a bit; it causes just the same trouble to the public as any other similar set of circumstances would, regardless of what man-made law said about it. Man-made law can not rule a situation like that. There are natural laws of economics that you can not get away from, no matter what kind of law you pass.

It has been shown how, under those circumstances, as happens in all similar circumstances, the values underlying that ability became inextricably fixed in the owned parts.

This situation could only mean, as seems clear from the principles outlined just above, that any new expense incurred thereafter covering ability to operate livestock which did not bring increased returns, and such increased returns generally meant ability to increase numbers of stock that could be operated, because that was and is the key to operating returns, could not be supported by a proportionate increase in values underlying the plant, and therefore did not increase the values underlying the value of the operation as a whole. All such new expenses, therefore, represented simply a situation of increased investment outlay not matched by increased values underlying investment and represented, as a result, a total loss.

It seems obvious, therefore, that from that time when the development of the situation had resulted in the settlers having put into the owned parts of the plant, including the livestock, an amount equaling the operating return in the whole, whether owned or not, any other payments for ability to run stock necessarily had to be followed by increased returns to keep the situation on a sound, economic keel.

As has been shown previously, many steps in the land policy of our country have resulted in placing the unowned parts of the settlers' operation in the hands of a variety of agencies. Almost all have meant, as time went on, additional outlays by the settlers to get the use of those parts back, usually on merely a temporary and ever-changing basis. Few, if any, gave the settlers any increased returns. Even in the case of those steps which have meant the securing by the settlers of outright title to additional range areas, consisting, for example, of scattering areas on spring and fall or summer ranges, all this situation simply meant ever building up the area of lands owned, but seldom, if ever, any building up of values underlying the investment simply because, being the same lands or ranges, furnishing the same grass, underlying the ability to operate the same number of stock upon which settlement had been built originally and under which barter and trade had gone forward over the years, no greater number of stock could be operated than under the original situation and, therefore, no increased operating returns were possible. Such a situation inevitably had to mean that as acres owned increased and investment values remained stationary, there were simply more acres to divide into the stationary investment value figure, resulting, as has been and is being demonstrated, in sales of such properties, in an ever-decreasing per acre valuation. It also meant the continual payment out and then wiping off from inventory values of the amounts represented in all these repeated attempts to buy back the key values as under the various land laws they were given to others.

As a timely and to the point illustration of a typical instance of what one of the results of the operation of the 640-acre stock raising law has brought Nevada, in just this connection the following news item was clipped from the Elko (Nev.) Free Press of September 14, 1925. It contains a sermon, both from the viewpoint of the struggles of the settler to buy back again and again the values upon which he originally settled or in barter and trade, secured by paying the original settler, or see them entirely disappear, and finally, from the standpoint of the futility of expecting, even in such reexploitation, the new grantee to come even close to making a home-unit living from such a gift. The clipping reads:

"Hubert C. Goddard made final proof on his stock-raising homestead before the United States commissioner. These 640-acre homesteads are valuable. They readily lease to large sheep owners at $200 a season. This is the same as loaning $2,000 on good security at 10 per cent per annum."

The humor of the situation, as is but to be expected, must appeal principally to all except the settler whose owned holdings were depreciated either through entire loss of the feed values concerned or the necessity of once more buying their use back, with no new offsetting return, and as well finally to all those who, already dependent upon the business making, the tax-making values of the older settler, saw that settler's ability along that line shrink forever to hand $200 a year to another settler who under the very nature of things could not be expected to make a home on what he had been given or turn it to any other use except that it already had and for which it was already paying the public as a whole all the values could possibly justify.

Worse than this even was the situation where, with the land policy operating to ever increase the number of those with winter quarters, but not increasing the amount of summer feeding grounds to match the same, fierce competition grew up among all these settlers striving to the utmost to save their all. This situation inevitably resulted,

as would be the case in any similar combination of circumstances, of bidding up prices for these key parts, much less than enough to supply all those with heavy investments in the other parts, clear beyond any possibility from an operating-return standpoint. No one could stop to compute what the "key" which happened to come on the market was worth from an operating-return standpoint. If it was not secured, then the incomplete parts owned by those concerned were rendered valueless or materially depreciated, as the particular case might be.

Another point: The circumstances existing of one great group, the original settlers or successors, having built their operations on a basis under which they had invested in the owned but incomplete parts a sum representing at least all it was worth to operate all the stock the entire plant, owned and unowned, could operate year round with the laws and lack of law applying, permitted a steady influx of new people casting about for a means of livelihood. Just as did the original cattle settlers, these new people sized up the possibilities. A typical happening was as follows: A man would see that in operating sheep, he could get by, under pressure even under heavy risk, running his sheep the entire year on the so-called public ranges, provided he could find a place suited to summer, another suited to spring and fall, and a third suited to winter. To winter, all he had to do was to go out and crowd in on those already using the great desert stretches.

The spring and fall ranges he found surrounded by a situation under which most of the stock water, the key to ability to operate there, was covered by scattering small privately owned tracts. Still, the areas intervening between the tracts and controlled by the stock water were, under the law, public domain, open to the use of all and much greater in area than the owned parts. Under existing law and as demonstrated by the usual action in the courts, this man saw a chance to also crowd in on these spring and fall areas, at no greater risk than having to pay as damages, when, to operate, he had to put his sheep on the owned lands, only the actual value of the feed his stock might consume while on these owned lands. Bear in mind that it was inevitable under the circumstances that the prices attaching to these scattering lands were based not on their per acre value at all, but on the basis of what they were worth because of the unowned range they controlled. This man saw that in this crowding in on these spring and fall ranges, therefore, the sum total of all damages he might have to pay would not mean much on a per head basis of the stock he could run, especially as against trouble and cost of owning lands.

A place for summer was usually the sticker simply because the whole situation had served to surround summer ranges with a terrific demand. Many of them had been surrounded by national forest boundaries where the rules were such that they did not attract all the newcomers. Many others were in Indian reservations, or the hands of other agencies, where apportionment was largely on the basis of the highest bidder. In any event, this new man saw that the key to the building of a plant by him was primarily a summer range and that he could build a successful venture provided that between buying what little feed the sheep operation can squeeze through the year on, if it has to, for winter purposes to supplement the great winter desert ranges, open to all comers, paying damages for trespass on occasional privately owned tracts on spring and fall ranges, and securing himself a summer range, the sum total did not represent more than the returns from the sheep warranted on an operating return investment basis.

This man was led to this idea of building without owning any land himself most naturally. It was because he readily saw, being in the enviable position of being able to view the past before tackling the future, that under the public land and reservation policies as designed and applied, all those with owned lands were in a most unenviable position, and on the road to a condition where ultimately those lands would have so little value from an operating return standpoint as to be hardly worth owning.

The winter feed item was slight when divided per head. The spring and fall trespass damage was slight when divided per head. This left this man quite a sum which he could invest in summer feeding ground costs.

We all know what inevitably had to happen under such a situation. This man becoming an active competitor for every piece of summer range, the use of which could be hired, and not having already put into other parts, as had most of those against whom he was competing, sums representing not only all it was worth to be able to run stock the year round but more, under the developments forced upon them, being free to put his heavy item into whatever part gave him the best foothold, soon began bidding the key summer areas open to bid clear beyond any possibility of competition by those in the other circumstances. To save their all the others tried to follow him. Some are still trying. We all know the situation is ultimately hopeless. If it is allowed to continue, this new man will inevitably and definitely fix a new standard under which, instead of the big end of the values underlying operation being in the winter quarters, a situation inevitable at some stage of the development from the very working of the homestead policies from their very beginning, the big end of the values would be in the summer ranges, until finally, without something to halt the development, owned lands dependent upon ability to use the unowned seasonal ranges, would cease to have any operating return value simply because after payment of the charges ever mounting up surrounding the continued ability to use the unowned parts necessary to completion of the operation, the operating returns would leave nothing to credit to the privately owned parts, and then, though land still be owned, it would have no operating return value and soon no investment or sale value.

This is the path the present situation has not only put the stock-raising industry upon but the entire business and governmental structure of our State upon. As the values leave the lands of the settlers, which are the bulwark of the State and county tax rolls, and got to those places which, like Indian reservations, national forests, etc., do not appear on the tax rolls, they leave those tax rolls and despite the most strenuous efforts of anyone to maintain the old tax-assessment basis, whether or not the revenue-making values are there, those tax rolls one day must come back again to a basis in keeping with the operating return values in the lands being assessed. The longer postponed the more this readjustment will cost the public at large.

Getting back to the national forest range situation: Every charge, from the beginning made for the use of those ranges which did not furnish in proportion increased returns to those charged above those possible when the values took their definite place in the owned parts, has necessarily meant a proportionate reduction in the values underlying the owned parts. Some have held that in the application of any plan by the Government which tended to secure to those having in the owned parts the values of the whole, the values in the unowned parts would reflect themselves in increased operating returns. This probably is where the idea originated that possibly those concerned could afford to pay the Forest Service for grazing the sum per head necessary to compensate the Government for that.

Concerning these so-called nominal forest grazing fees, there seems to be much misunderstanding. Let's take a typical case of a stock cattle operation in Nevada, under normal conditions, when approximately 100 stock animals must be operated per year to produce about 15 salable animals, say 10 of which will be 3-year-old feeder steers and about 5 cows being salvaged as their breeding usefulness passes. This means that with a per head grazing fee of 75 cents that fee must be paid on 100 animals out of the returns from the 15 animals. With the average feeder steer, under such conditions, weighing 800 pounds and a sale price of 5 cents per pound, which has been about the standard, one can readily see that the grazing charges on all the animals is a heavy load on the crop returns. In fact, in a specific instance, we compute them conservatively at 12½ per cent of the gross crop income from steers and old cows. Those who use private pastures, when they compare their pasturage costs with those obtaining upon national-forest ranges, often forget that there are many things to take into consideration besides the per head charge. Fenced meadow pastures are usually too valuable for use in raising stock cattle because of the large number of mouths to feed compared with the small number of salable animals produced. Upon such pastures it is the usual practice, instead, to graze only those animals that can be made into beef within a comparatively short time. Thus with every animal grazed being in a short time a salable animal with a high value compared with feeder steers, each can naturally stand a comparatively high per head charge, when that same basis of charge applied to a range stock cattle operation could only mean its bankruptcy.

That 12½ per cent summer grazing season charge on the crop return applied to the value of beef animals produced on fenced meadow pastures would mean, on such an animal salable at say $70, a pasture charge for the few months concerned of almost $9.

Also, it must be borne in mind that the stock-raising settler paying to the Forest Service this 12½ per cent of his crop return, paid for those same values when he built his settlement, and in paying it, must necessarily do so at the expense of the investment values in his owned parts to the complete operation.

Some may argue that such small crop returns from so many animals indicates inefficient handling. As has been stated, or as in this analysis this is admitted, the very reason for this inefficiency will be shown to be the very foundation of all existing range and land legislation laws, principles, and policies which almost from the start have failed to give the settler such a set of circumstances surrounding the use of his operating plant as a whole to permit him to apply those very principles which, if they could be applied, would quickly serve to remedy such a misshapen situation.

The CHAIRMAN. The luncheon hour having arrived, the committee will recess until 1.40.

(Whereupon, at 12 o'clock m., a recess was taken until 1.40 o'clock p. m.)

AFTER RECESS

The committee reconvened at 1.40 o'clock p. m. Monday, September 21, 1925, pursuant to the taking of recess.

The CHAIRMAN. The committee will come to order. Mr. Metcalf, will you continue with your statement?

STATEMENT OF MR. VERNON METCALF—RESUMED

Mr. METCALF. Mr. Chairman, in fairness to any other interest that may be here, who do not think that the situation they represent is covered in this statement, I would like in some way or other to be limited in time so that I may not be stepping on their toes.

The CHAIRMAN. How much time do you think you need, Mr. Metcalf?

Mr. METCALF. I think I can finish this statement in 30 minutes, if that is not going to encroach on anyone's time. If it is, I will let the details go and get to the summary.

The CHAIRMAN. You may proceed, Mr. Metcalf.

Mr. METCALF. Now, in the Rachford report, that 300 per cent increase over the original forest-grazing fees is proposed to be doubled and in some sections more than doubled.

That report has for its foundation the principle that the part of the resource surrounded by national forest withdrawals should be covered by a charge representing what forage is worth. It has for its foundation also the principle that forage is worth what is being paid for it in the open market as demonstrated by a fair period of years, to avoid extreme conditions. Since the part of the resource in the forests, in all the central and northwest, is generally only summer range, the report is based on what is being paid for privately owned summer range.

It seems obvious from the actual facts as presented herewith that such a basis, no matter how far those in charge may appear to be going to be fair, is utterly unsound as to its very starting point, and we all know the utter impossibility of drawing sound conclusions from an unsound premise.

The effect of such a principle, if ever applied, can only mean that forever after prices for the use of all public ranges must be gauged by the effects of the competitive situation, just illustrated by the explanation of what is happening through the changing standards being wrought by the newcomer who, building upon a new basis, moves the values underlying the operation of a whole out of the settlers' privately owned winter feeding quarters onto the feeding grounds, either publicly owned or in the hands of agencies other than either Government or settler.

It can mean eventually nothing else than that under the changing standard the settlers' privately owned holdings will be "milked" of all operating return values and therefore of all investment, sale, tax, or security, or business-making values, those values going to new places of most doubtful value for any of the purposes just mentioned.

Pausing a moment, the question arises of just what the values in either a single part or all parts to the resource were good for in the beginning, or are good for at present. They were and are of value for business and revenue-making purposes only, and only to that extent the industry which had to be relied upon to manufacture them into business and revenue could, under the natural and economic circumstances, so manufacture them. What more could be or can be expected from the resource concerned, or any of its parts, than that the values in it get fully into business and tax structures.

There can be no use of trying to exploit the values to a greater extent than they exist. Such a procedure inevitably means an accounting, and all the economic loss of such accountings must finally pass on to the public as a whole.

What better use of the values in such a resource could be made than their devotion to settling the great unsettled stretches of the West. If the values in such a resource as a whole were to be kept by the Government, to be sold to the users under a direct at-the-source charge merely to enrich directly the Federal Treasury, surely they would not be available for the building of the economic structures of the States concerned. This matter was settled when it became the Government policy to settle the West by grant of its lands to prospective settlers. Here again, we point out, that those lands were valuable and still are valuable only in the part they bear to the furnishing of this resource which, under all existing conditions, must be used in complete sets of seasonal feeding grounds for year-round operation, or not at all.

If a subsidy ever was concerned it was when the natural resources at hand related to land settlement were originally set aside for the building of settlement. The situation existing is simply that the settler never got in the beginning, and never has had since, the values in the resource upon which he built that settlement, but instead a situation where he has been trapped by being led into settlement with but an incomplete operating base, forever at the mercy of whoever happened to have or be given the other parts without which the incomplete part he had could not survive.

The settlers, those who pioneered this country, have been accused by many interests, probably sincerely, but clearly unjustly, with seeking sympathy, with seeking a subsidy, with seeking to get something from the public manger without cost. I submit to any fair-minded individual or group of individuals the question of whether this is so when the facts are brought to light.

In the hearings of your committee on this matter, statements have been made by Federal officials that proof that stock-raising settlers holding preferences on national forests are using values they have never paid for is supplied by pointing to the fact that instances are known where in buying stock, including transfer of this grazing preference, sums per head in addition to going prices for such stock have been paid as bonuses for the grazing preference.

It is evident, it seems from the analysis presented, that if such a thing is done, under our conditions where the values in the range concerned were exploited in the building of the owned parts to settlement, and are still fixed in the owned parts, it necessarily has to be done out of the investment values in those owned parts.

It is believed that such situations are seldom involved in such cases, and that what really happens is something as follows:

The whole misshapen situation results in furnishing a condition where certain circumstances really permit certain individuals to pay a bonus to get a summer range and still be able to operate to advantage, just as has been shown previously in this analysis. Say a winter-quarter holding, developed under the original conditions existing, has, through the operation of the erroneous principles outlined, lost its connection with a summer range, resulting in its depreciation in operating return value and therefore investment or sale value, naturally it would be possible to take such a winter unit with a spring and fall unit, if a summer unit could be found, and put it back on an operating basis provided in the complete set plus the stock, an investment was not required in excess of the ability of the operating returns of the stock to justify. Under the conditions forced, as stated by the erroneous principles, the outlay for winter and spring and fall quarters being comparatively small, a good heavy part of the investment could easily be used to acquire a summer range.

Another example: The same situation would be possible in all those cases where established settlers having parts of their winter and spring and fall quarters rendered almost valueless by losing the summer key ranges, and as a result being forced eventually to wipe those values out of their inventory values, could turn and build those lost parts back into a complete unit on just the same procedure as outlined above. In doing so, however, the major part of the investment would be on the summer range, and again we have just the same old unsound principle of a complete operation trying to get by owning but parts, and not only that but with their very investment tied up to major extent in the unowned part rather than, as usual, in the owned part. It is the same old play—something like the numerous plays based on the eternal triangle—with just a bit of change in the characters and scenery but with the same inevitable ending, doing no one or no thing any good but doing everybody and everything harm.

The settler has known all along what the true situation was and is. He has been faced with one of the most impossible situations ever conceived of, to have his all at the mercy of a thing which had been forgotten so far as man-made law is concerned. Having never been recognized by law, except to be continually given first to this agency or individual, then to another, and finally with large areas put in the hands of agencies by laws which did not even give the settler a chance for a day in court. Had there been a way to court, the settlers might at least have had opportunity to develop before some impartial tribunal the true facts and have had relief ere this. On the forest-reserve range phase, as has been shown, the legislative, judicial, and executive power was all in the hands of the administering agency, Such hearings as were or could be held were heard by that agency. Without resentment, we all know that at least at times the situation has had the effect that argument along lines not relevant, as judged by the sole power, was ruled out.

For the first time now since settlement of the West began the situation in its entirety is being investigated by a branch of that agency which typifies our Government, the Congress of our United States. If, and contrary to some opinion, we believe such to be the case, right will finally prevail, we have no fear of what is to come.

Summarizing the above analysis of what has become of the values in this resource as a whole, our facts seem obviously to show that the only thing lacking concerning those values is, as it seems obvious should have been done in the first place, to legalize them in the place they so long ago took in the general scheme of things.

All the values concerned have not only been paid for in full, they have been reexploited not once but more than once. They are represented already too many times in existing investment values, which means eventually a shrinking, regardless of what is done in this present matter. They have been commercialized, and not only that but more important, because finally the public will have to foot this bill, overcommercialized. They have not only gone on the tax rolls of State and county but, more important, have gone on those rolls too many times, another item which will finally be a matter of public accounting.

The resource concerned is absolutely not capable of division among different agencies if it is to be used under anything even approaching

sound practice or its natural needs on the ground. Its separate parts are of value only when available as one. One of the parts, obviously, is suited only to private ownership, this being the great area of winter feeding quarters. Surely the Government would not want to take over ownership and operation of that part, but if it does, many ranchers are ready to negotiate. There can be no safety in private ownership in but a part, either for operator, business, taxes, or anything else. Finally, the only safe measure of a charge for the use of anything underlying a basic industry is that measure based upon operating returns from the business concerned. Any other basis would simply mean recurrent readjustments in a basic industry. And last of all, no power we know of on earth has ever yet been able to fix an operating return value to a part of an operation in such a situation as exists when each part has the ability to absolutely render every other part absolutely valueless.

Still, if despite this situation, it is the wish of our Government to attempt to fix a charge at the source for the use of their part, it certainly would not be to the public welfare to fix it on a basis which merely meant a reexploitation of values already not only fully exploited but reexploited, values already paid for, not once but many times, values already commercialized, not once but many times. Certainly no one would want to argue that the country as a whole—and here is the final test of the public welfare—would gain in any move merely resulting in an uprooting of such values from the place they have already fully taken in the business and tax structures merely to put them in a new place (presumably as added receipts to the Federal Treasury) with no net gain to the country as a whole, but instead the economic loss which always follows the severe readjustments which such a change would force upon the industry and the whole country, which finally could not help but be reflected in increased costs of production, then higher prices for the product, and finally, as usually is the case in such matters, leaving the ultimate consumer of meat, of leather, of wool—the public as a whole—to foot the bill.

Therefore, a law seeking the public welfare should at least prevent any basis of charges for any public range which serves to merely reexploit values. Whether or not it would be wise even for such future building as may take place where complete sets can be carved out involving values not now in use, for the Government to attempt to charge for its part and thus keep the values as a whole from surrounding the owned parts and thus getting directly and safely into the business and tax structures of the sourrounding territory rather than merely serving to enrich the Government Treasury and forever be separated from the other parts to the enterprise and the economic structures dependent for their very foundation upon just such values, will still remain most questionable, even if removed as a direct source of trouble for the established situation.

Certain it seems, using the very similar resource of water for irrigation, that the best public welfare would be served by letting the values in all parts center in the owned part and thus go safely and soundly into business, behind taxes, etc.

In connection with forest-reserve grazing fees there is also the much misunderstood angle caused by that development in national-forest legislation, under which a certain percentage of the receipts for various forest users are returned to the States and counties in the forest receiving them are located.

It seems to stand out clearly in the foregoing analysis that these have been merely part of the whole reexploitation program. The political subdivision concerned could not gain permanently from such a move, in so far as related to values in resources which had already gone into the business and tax structures of such sections. The effect was and could not have been other than to depreciate operating return values in exact proportion to such charges at the source, and therefore depreciating business-producing and tax-paying values. In the case of resources such as timber the States and counties did gain by sharing thus in the receipts, simply because the values in that resource had not become attached to the values in owned properties. There is the difference between the timber resource and this grazing resource. They say they are the same. The situation is not the same. In the case of a resource such as that of the summer forage, however, they can gain through such a step only as they lose in the values underlying their business and tax structures, as well as to lose through all that uneconomic situation which the application of such a policy involves in tearing down investment values in private property.

Here the question most naturally arises of what to do. Any solution, as usual, must deal with the cause for the existing difficulty. Here we are back to where we started, the resource upon which the whole situation is and has been resting and, if it is to continue, must rest, and the application to that resource of those principles which, coinciding with its natural needs as ruled by the conditions on the ground and its economic needs as ruled by the best measures of returns to the public at large, will result in its allocation to the use to which it is best suited, and in its use under those principles which promise best to give the greatest returns in revenue, business, taxes, etc., and at the same time safeguard its value for the future as well as protect other values which may be concerned.

Our suggestions are, of necessity, based upon the facts which our investigations have brought to light. Whether or not they are sound or should be followed, we must expect to be measured eventually by whether or not the facts can be maintained. We make them feeling that given fair opportunity to debate the question with doubters we can maintain them.

The first point is the matter of whether or not the allocation of the resource concerned to the stock-raising and ranching settlement of the country is right. So far as our own State is concerned, at least, we feel sure on that point, as gauged by the measure, as always, of the best interests of the public welfare as a whole.

That point conceded, the next question is once more the natural condition surrounding a practical use of the resource. The condition that originally existed still exists; it is a resource made up of three distinct, interdependent seasonal feeding grounds; any part being lacking renders the other inoperative. Again, the number of complete sets which can be grouped together, being limited by that part least in extent—the summer feeding ability—this really is the key to the others. Obviously, based on these natural conditions, any successful use for stock raising must be based upon keeping parts together in complete sets.

Good economics rather forces the principle that safety for the basic industry concerned and in turn the whole business and tax structure dependent upon it, depends upon surrounding each of the parts with a uniform policy as to its legal status. It does not do for any business to build on a basis where it must own outright one or a number of parts but not the part or parts finally completing the set. This puts use of the owned parts at the mercy of the unowned. Not only that, but it also puts any sound, economic use of the unowned parts equally at the mercy of the owned.

One of two things must obviously be done. Either legislation relieving those owning the owned parts of that burden or legislation serving to give those with the owned parts such a definite form of control over the unowned that there will be no chance of any reasonable turn of events surrounding the unowned parts as to confiscate or materially reduce the values of the owned parts. Either would surround all parts to the complete set with a uniform status. Under the first, with the Government owning all parts, the operator would and could have no property interest in any part of the set. To operate livestock his only necessary investment would be in a liquid asset. As a liquid asset it would have liquid values. The settler would build only upon liquid values and so would the economic structure. To the extent of those values, everything would be sound under such a plan, both from the viewpoint of natural conditions on the ground and good economics.

The matter of occupancy could be met by providing terms of occupancy under lease, etc., sufficiently long to permit a reasonable turnover in the slower of the two branches of the industry, the cattle business. By having leases renewable at option of holder, the situation could be safeguarded against inefficiency in production by constant influx of inexperienced operators.

Here a basic point might be mentioned in so far as the public welfare is concerned from a business standpoint. The public welfare is not necessarily concerned over the identity of the specific individuals who are in this basic industry, but it is concerned over the maximum production of business and revenue and taxes from the public resource concerned. Those factors necessarily are guided by surrounding the use of the resource with proper principles, one of which is to reasonably guarantee that those in the business know their business and can be depended upon, within limitations of human shortcomings, to furnish the utmost returns from the resource to the country at large.

Under the method being discussed, a fair test as to whether or not business would be sound would seem to be to see how such a business would stand when it sought credit, which is an outstanding essential of this particular business. Under this method no money would be represented in investment values in anything from which it could not be recovered to a reasonable extent and with reasonable speed; in other words, the whole investment would be in the liquid asset of livestock, a market for which exists on a world-wide basis. That is a sound basis for credit, and, in fact, the only sound basis.

Under the second method, legislation giving the owner of a part or parts, a definite form of control over the other parts necessary to complete units. This plan, also, would stand the test of principles underlying credit facilities, because if the credit agency had to take the plant, it would have a complete plant either to operate or sell.

Needless to say, the existing situation surrounding the operating plant, practically eliminates all owned lands mixed up with it from even consideration as a credit risk by even our own governmental agencies designed for the direct purpose of loaning settlers on land values. All that seems necessary to prove this fact is to quote from the regulations of the Federal joint-stock land banks, which read as follows:

"Any stock farm or ranch which contains all the units necessary for the production of feed throughout the whole year for the usual number of cattle or stock maintained, and with ample and available stock-water supply, is satisfactory for a land-bank loan."

There is a sermon.

"This ruling might cover one cultivated farm and a range as a unit, or a summer range with a companion winter range, when the two are so favorably associated as to have a history and a known carrying capacity."

That ruling is sound from the principal of credit. But sound as it is, it sounded a mighty sad message to the settlers and their successors whose holdings it declared "outside the law," and to all those political subdivisions where the holdings of those settlers over the long years had come to be the foundation of the business and tax structures.

As to the practicability of the two methods. The first, involving the taking back by the Government of all those parts to complete sets, appears offhand to be impractical. There are many settlers who would prefer it to any other step. In all those sections of the West, however, where the complete sets involves operation for winter quarters of a hay ranch, the complications which would follow any attempt at Government ownership of the same, their apportionment and operation seem to preclude the possibility of such a step. In other words, Uncle Sam would have to go into the cattle business.

There appears, then, only the second method left—the placing in the hands of the operators such a definite form of control in the unowned parts as to permit safety of ownership in the owned parts.

The wisdom of this step, as other proposed steps, should stand or fall on the same tests previously used, its effect on the established order of things, measured, as before, by those directly and indirectly concerned, including the established settler, the newer but still unestablished settler, the future settler, the resource concerned and the related resources concerned, and finally the public welfare.

Such a step, even though belated, would apply to the established settler the natural and economic principles which it seems clear should have been applied in the beginning. No change could be retroactive in character and must therefore take things as found, going forward from there. The harm that has been done the respective groups of settlers as they have, in turn, been the new and unestablished settler and then the established settler, must be as water over the dam. However, it would, in so far as conditions exist, prevent any more such harm and thus provide a sound situation for the future excepting that "hang over" from the present situation which, as with all similar mistakes, must be paid for in full. For the established settler, such a move, therefore, would clearly be advantageous. Many could not be saved by it at this late date. However, all those who, wiping off their inventory and investment values all those properties which inevitably under the stress of the principles which have been applied have, through losing the key ranges, become depreciated, could still struggle through would have the help and the encouragement of a known haven ahead.

As to the newer but unestablished settler: Similarly, with the situation surrounding the older and established settler, the future of this group would depend upon whether, after having their status legally fixed on the unowned ranges they have acquired use of, the number of stock they could operate could carry the investment in owned properties and return them a profit sufficient to maintain their units, or to build those units to a size in keeping with the investment in the owned parts and the needs of maintenance of their homes. Similarly, with the established settlers whose operations are too far gone to be saved by this late change, those in this group who could not make the grade would at least, up to the point of the values in the complete unit to which they have been built, have something to sell, which in the final analysis none of them now have.

It is true that the application of the principle suggested would bring an abrupt end to the old principle of building up the newer but unestablished settler at the expense of the older established settler. It is equally true, however, that all settlers would be left free under their own initiative, energy, and efficiency to build up their outfits in open competition by barter and trade and, most important, that under this method whenever they did gain headway that they, too, would be protected in this definite form of control over the unit as a whole, without which, in the final analysis, none of the settlers, new or old, can ever have any real security.

As to the settler for the future:

Just as in the case of similar resources, such as water for irrigation, where complete units were still available or, through lack of use, became available, to that extent the new settler would still be free to come. Whether he came would depend largely upon whether the conditions favored his success, a healthy situation for both settler and industry and public welfare. When he came the values exploited necessarily in his development would be safely in his hands. If he succeeded, the reward of those values would be his. If he faltered, he would have at least something to sell, up to the values he had created.

If, instead of trying to develop a new concern, he preferred to purchase an established concern, he would be safeguarded and protected in the values underlying that purchase. He is not now.

Concerning the newer settler, there is an added point of extreme importance. It is this: When the resource upon which settlement depends in the building of any undeveloped section of country is all in use, then the next orderly and sound step is the process of subdivision of the larger units always found under pioneering conditions, when large capital only can stand the risk of the trials involved. In States such as our own when the key part to the resource, the summer ranges, were fully in use, that is when added settlement should have come through orderly subdivision of the larger holdings rather than through a reexploitation of the values upon which the first settlers built. The conditions which have existed, strange to say, in all these years have generally tended just the other way, more and more consolidation of small units into large. The reasons are obvious in the picture painted further back in this statement.

Just what incentive has there been or could there be for subdivision under the existing conditions, when the principles being applied were constantly milking out the values underlying the larger units faster than any of the struggling efforts of the operators could put them back? Subdivision, based on history, almost exclusively follows rising values, not declining values. Therefore we claim and maintain that these very same erroneous principles have, together with all the other injuries, successfully blocked the very path in which the development of a productive population pointed.

On the other hand, the application of the principle suggested will just as surely, in our opinion, lead us back and soon put us on the path upon which we should have been long ago. It will, as soon as the impetus of the ills existing can be worn off, bring stability and then legitimate profits to the operation, at least in so far as are concerned all those costs directly chargeable to the erroneous principles which have been applied. Those rising values under large group management, always subject to the evils of supervision, spread over too much territory, will, just as the economic history of our entire country proves, bring offers for divisions of the large holdings in excess of the operating return values as gauged by large management. The pioneer or his legitimate successor will cash in, as he was and is entitled to cash in, if the incentive which served to bring the pioneer was ever anything but a myth, and go on, and in his place will come a number of families on an independent basis, through the closer supervision permitted under smaller units, adding to the operating returns in sufficient measure to justify fully the added values resulting from the transaction. A real increase in the basic values underlying the operation, the industry, the commercial, and tax structures will have been brought about, paid for, and commercialized, and on the only basis upon which any of the factors mentioned ever can be safe.

Instead of this orderly progress ever based on actual increased productive values, we find under existing conditions the established settler, the pioneer or his successor, faltering and dropping on every hand. We find a long procession headed in the same direction. Do we find the holdings being subdivided? We do not; they either go back to the sagebrush from whence they came, or so close to that state as to be a liability rather than an asset for anybody. Together with the larger and pioneer outfits we see the middle size and the smaller and newer but unestablished settler dropping by the wayside also.

As to the resource concerned: The volume of evidence in the Government's own hands as to the serious depreciation in the carrying capacity of the great ranges in the public-land States as measured in terms of livestock should be sufficient to justify a change in principle. Directly traceable to this cause are a number of effects rapidly forcing an entire change in the whole fabric of the range stock-raising industry, changes which mean more and more money poured out into maintaining feeding ability, but backed by no new values simply because instead of furnishing ability to run more stock they seldom even furnish ability to maintain existing numbers.

It seems obvious without dwelling on this phase longer that a correction of abuse of the resource itself and in turn the watershed and timber values concerned simply awaits that step which will surround the operation of livestock upon the areas concerned with that certainty of occupancy which will provide an incentive for and permit application of ordinary intelligence in use of the same.

Here, it may be pointed out, that in order to give the definite form of control suggested, it does not follow that the related resources need be or are put at the mercy or into the hands of the operator of livestock. The settlers realize the importance of the watersheds just as much as anyone else. It is from the watersheds the water comes which irrigates their hay ranches for growing during the summer the hay for feed during the winter. These winter quarters are essential. Their value from either an operating or sale standpoint is absolutely ruled by the continued ability to irrigate and therefore in turn absolutely locked up with the good condition of the watersheds. Stock

that do not overgraze the forage crop mighty seldom injure tree growth, and the examples demonstrating this are numerous.

However, to make doubly sure the public's interests in watershed and in timber, and even more important as we are sure the final result will work out, so that any short-sighted stock raiser—and this is no apology, since every line of endeavor has its percentage of such individuals—will suffer directly for his own shortcomings and not bring discredit on those of the group who are not to blame, there is no reason why the law should not, and many reasons why it should, provide that willful damage to the forage resource itself or to any related resources shall be paid for as determined by the tribunal the Constitution provides for—the courts of the land.

Here the Forest Service can perform a real service, as the police agency representing the public interest in the resources concerned. It properly could and it seems clearly should have the power to prosecute in the courts such cases in behalf of not only the public at large, but all that group of stock raisers concerned who, by being in the same general group with the offender stand, through the willful action of one of the group, the unjustified risk of discredit to themselves and the industry they represent.

Compared with the present order, it seems that such a plan would, rather than put the forage resource or related resources in greater jeopardy of injury, greatly increase their safety. So far as applying a penalty to those who injure it, nothing would be lost as against the present situation, under which penalties are applied only after the damage is done. The new plan would, it is true, also be based on that principle of acting after injury. However, the principles applied by it, as stated previously would clearly, except in the very minimum of cases, so operate that no damage would be likely, but instead constant improvement. To reach such a desirable situation, all that would be given up as against the existing situation, would be an end to that broad regulatory power permitting the administrator the functions of the courts in fixing and applying penalties, which necessarily must be ended if there is to be applied those new principles which seems so obviously to the general benefit.

As to effect on the established order of things from the standpoint of existing homestead policies, land-grant policies, reservation policies, etc.:

Since those of the land laws seeking to place in outright private ownership areas valuable for no other purpose than grazing would, in principle, be directly opposed to the suggestion which involves giving the operators a definite form of control only in the forage resource, obviously not in line with any plan of private ownership which necessarily would involve also timber values, watershed values, etc., the successful operation of the principle suggested would necessarily mean an end to such homestead laws—this being the 640-acre stock raising homestead law. It does not seem necessary, however, at least under Nevada conditions, to interfere in the slightest with any homestead law which has as its basis the passing to ownership of lands primarily suited to cultivation. The taking of such areas would hardly be possible unless conditions existed under which a living could be made within the area actually owned, in which case no one would want to stop such development, or where unused ranges were available which, with the homestead, would mean a new complete operating plant, the creation of which no one would want to prevent.

It is equally obvious that since the suggestion is based on the idea of attaching the values in the forage crop on the unowned parts to the owned parts, any step which, as with the stock-raising homestead act, sought to make a reapportionment of those values as already taken, exploited, and commercialized, would be in exact opposition to the purpose sought by the principle. This involves the various kinds of withdrawals made for numerous public purposes, such as national parks, game preserves, etc., and it would seem the law could safely and properly place at least such limitations around such withdrawals as to insure at least full consideration of existing conditions before any such withdrawals estopping the established use and changing to a new use could be made effective.

The effect of the steps proposed on the established order of things from a public-welfare standpoint would, it seems, be advantageous all along the line, because the suggestion would serve to safeguard the values underlying the entire business structure, bring a maximum of revenue and business from the resource concerned, improve that resource and allied resources, and keep the economic situation on an even keel, preventing reexploitation of values already fully exploited and providing a basis for orderly progress of the basic industry concerned, even down to the desirable point of subdivision based on actually increased productive values. It would also, it seems clear, serve to reduce costs of production and eliminate economic wastes finally, as always, reflecting themselves in increased prices for the product to the consuming public, which means everybody.

Now comes the matter of a definite plan to bring this suggestion of a definite form of control tying in the values in the unowned parts with those in the owned parts.

It is our opinion that the exact details of such a plan should be decided upon only after full opportunity has been had by the committee or committees of Congress concerned to go into the problem most exhaustively. We consequently feel that we should confine our suggestions to a statement of those principles which we feel, if observed, will, under almost any plan finally decided upon, bring the results we so sincerely believe are right and sound.

In this connection we respectfully submit the following. There I would like to stop to explain that these platforms on the forest reserves and the public-domain ranges were taken up in the executive committee and with other representatives of the stockmen here Saturday and were discussed and approved.

NATIONAL FOREST RANGES

That, for the best public welfare, as measured by the welfare of those directly concerned, including the established settler, the more recent settler and the settler to come, the resource consisting of the range forage crop, the related resources consisting of timber, watersheds, etc., we most sincerely recommend:

1. That by law there be a recognition, definition, and protection of rights to grazing upon national forest ranges upon an area basis.

Now, bear in mind that last point—area basis. This is an exact copy of the first principle in the platform that was adopted at Salt Lake City by all the western range States. It had that area basis. Do not misunderstand that. It does not necessarily mean that they would attempt to take over common ground and give him an individual allotment on those ranges which, under Forest Service principles have become community ranges, but it simply means in this case that where a group of cowmen by the natural conditions of the ground had to use the range in common at least now that the right would attach to the group; that where the individual as an individual has absolutely individual allotment the rights would attach to him for that area. Now, as long as we are on the basis where all you have a right to is to run a certain number of stock, we can never bring about the principles that will work out for the improvement of the area. We have to get just as close as we can to a situation where, if I wanted a feeding ground for my stock and it was privately owned I could deal just the same. In other words, we want it fixed under the same principles that private business would go forward with.

Suppose I wanted to lease a pasture out in this valley. It would not be important to me to know that the fellow who owns all the valley would make me sure of a lease to take care of so many stock. What would interest me would be where the area was, what was on it, how valuable the area was, and when I got that area, if I was subject to be moved off of it any minute to some other area I could not give it the intelligent action that I know it ought to have, because I would have to get everything in sight while I was there, and hurry and get it, because I might be moved off of it any minute. That is what we mean by area basis. We want to be the operators, and to apply to this area the intelligent handling that the stockman has proved he knew long before many experts had been set up to tell him these things, as was demonstrated in my statement, by the way the stockman takes care of his grazing in the meadow hay field.

2. That such rights shall be based upon established priority and preference at the time of the enactment of such law.

3. That such rights be definite and transferable, without penalty, with provision for egress and ingress from and to ranges.

It was said to me the other night on the street that that did not seem to be very plain. But I will point out that that means the driveways for stock and trails that are necessary to get your ranges together. We know in this State that whenever the sheepman has to get his summer range, his spring and fall, and his winter range together, in some cases it requires a round trip in a year of 600 miles. His summer range is way up here; his winter range is way down in the desert. Obviously if you give him rights in the three sets without a way to get from one to the other you will still have him tied up. He has got to have the right of way, some assurance of that, as well as the rights in the area.

4. That such rights shall be subject to provisions rendering operators thereunder answerable for willful damage done by them to any of the resources concerned.

5. That such rights be subject to those restrictions which will insure their beneficial use from the standpoint of general business welfare.

By that I mean the public has the right to expect a maximum business return from the use of that grazing. The law should be such that nobody could sit and hold it without using it. They should either use it beneficially for the business structure, or have their rights canceled.

6. That no charge basis shall be effective in such law which results in depreciating investment values in the privately owned properties of the holders dependent upon such rights and that the States concerned shall share first and to major extent in any receipts from the application of any such charge.

Now, I think you all get the point there. If the resource has already been paid for, if it is in the man's property, if it is on the tax roll, if it is in business, what can anyone gain from applying another charge to the use of that grazing? It must come out of the place from which it is already taken, and it can not do anybody any

good. Now, if they can find any situation where the stockman has not paid, where it is not reflected in those values, at least confine their charges to those situations.

7. It is the consensus of opinion that the Rachford report is based upon unsound economic principles and therefor should not be adopted.

Now, as to the public-domain ranges.

New legislation directed at situations not previously covered by law are fraught with danger, particularly when existing legislation dealing with similar matters is not in accord with the natural or economic needs of the situation. It seems certain that extension to the public domain of the Forest Service grazing principles would but serve to make matters worse. It is therefore our firm belief and recommendation that no effort toward legislation affecting the public domain ranges should be taken until that legislation surrounding the national forest ranges has been satisfactorily adjusted. At such a time the matter of merely by legislation extending principles already demonstrated as sound will not involve such danger to the interests directly concerned and the public at large as always surrounds new legislation.

There is a sermon right there. What has been done in the matter of regulation of a part of this resource has been so far off the track in our judgment that even though we know that the public ranges need treatment we are so fearful with having any tinkering applied out there that we want them to finish the tinkering and the legislation with the piece that is already caught in the trap before they step out to apply anything in any other place. Now, if we can get established those principles that we know are sound, then all we have to ask Congress to do with the rest of the land is to extend principles already in effect. We know that it is not as dangerous to put in a bill in Congress merely that they will extend it or they will not extend it as it is to put in original legislation, for even though they let one of us write the bill none of us knows what it is going to look like when it comes out.

However, we do urge that in any consideration which might be given by Congress to any angle of this problem affecting that part of the grazing resource situated upon the remaining public lands they bear in mind, that any sound or practical use of that resource for business and revenue-making purpose is necessarily surrounded by its continued availability for the purposes for which it was exploited in the building of the settlement concerned and by those by whom it was thus exploited, and that any step seeking to make thereof a new use necessarily means its loss from the place it had formerly taken in the general scheme of things, with the always resultant economic upset and readjustment finally at public expense.

To protect this situation, any existing laws based on a mere exploitation of that resource be repealed before further injury is caused and that no further laws based on that principle be enacted. And we have particular reference there to the 640-acre stock raising act.

In considering the various forms of withdrawal for various purposes involving this resource, and before the values concerned are separated from the place they already may have taken in the general scheme of things, the fullest consideration be given to the point of whether or not the fullest measure of public benefit will be attained by such separation and the economic readjustment inevitably caused.

In any step involving application of law to the grazing use of the resource values concerned on the public domain ranges, which may in the course of events be taken, the following fundamentally necessary principles be made its basis:

1. Definiteness of control in the operator of the complete operating unit concerned.

2. No charge basis which serves to depreciate investment values in any owned parts to such complete operating units.

3. A basis of allocation or apportionment of priority and use.

We also urge, as it seems should clearly have been done in the first place prior to any step surrounding the exploitation of such a resource, an immediate study involving investigation as to what place in the general scheme of things the resource is best suited, as well as what the place it might have taken already and to the best interests of the country as a whole.

Now, we have just one or two little suggestions beyond that to achieve the principles in this thing. That we might get some action by Congress which would be aimed at setting aside the application of all those principles that are causing the harm. That is what our stockmen, so many, mean when they say, "Let us alone. Give us a chance." Take the barbs out of them and then provide for the conduct of a study not of land but of that complete resource, regardless of what its status is now and who has it, to the end that those principles might be worked out based upon a study of the resources as a whole, considering its natural conditions and the needs of the business, so that the only business that can use it will best serve the public interest.

I thank you.

Senator ODDIE. Mr. Chairman, in my opinion no more exhaustive and able statement has ever been made regarding the public-land problems and the livestock industry which go hand in hand, and I believe that what is contained in this statement should be known by the people of the country generally, and when Congress convenes I intend to place this statement in the CONGRESSIONAL RECORD in order that the people of the whole United States will be able to read it.

The CHAIRMAN. Mr. Metcalf, have you been engaged as an official in the Forestry Service?

Mr. METCALF. Yes.

The CHAIRMAN. In what branches of the service were you engaged?

Mr. METCALF. What do you mean by branches? What line of work?

The CHAIRMAN. What line of work; yes.

Mr. METCALF. In all lines from the clerical position through the administrative branches up to assistant district forester of this district.

The CHAIRMAN. Did you ever serve as a ranger?

Mr. METCALF. Yes.

The CHAIRMAN. How long were you in the Forest Service?

Mr. METCALF. I think about 13 years.

The CHAIRMAN. How long have you studied the question of grazing on the forest reserves?

Mr. METCALF. Ever since I went into the Forest Service.

The CHAIRMAN. Are your conclusions as set forth in your statement drawn from your personal contact with the people involved in the public-land States?

Mr. METCALF. They are.

The CHAIRMAN. Have you any further questions, Senator ODDIE?

Senator ODDIE. No.

The CHAIRMAN. That will be all. Thank you, Mr. Metcalf.

BRIDGE AT LEE FERRY, IN ARIZONA

Mr. ASHURST. Mr. President, I inquire of the Senator in charge of the conference report on the deficiency appropriation bill when we may expect a vote on the conference report? It seems to me that further to delay action on the conference report on the deficiency appropriation bill is unwarranted. The delay of the adoption of the report is costing the Government, as I am reliably advised, $250,000 a day. Some Senators are predicating their opposition to the conference report upon an item therein proposing to appropriate $100,000 to pay one-half of the cost of a bridge across the Colorado River at Lee Ferry, when by such delay they are costing the Government more than the cost of the bridge.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I yield.

Mr. CURTIS. The Senator in charge of the conference report [Mr. WARREN] is out of the city on account of illness in his family. He hopes to return to-day. If he does return to-day, the report will probably be called up for consideration. If he does not return to-day, he hopes to get back to-morrow and call up the report then. I know the Senator from Arizona would not urge its consideration in the absence of the chairman of the Committee on Appropriations.

Mr. ASHURST. I was unable to take an active part in the proceedings of the Senate on Thursday, Friday, and Saturday of last week owing to an attack of influenza. I am scarcely strong enough physically to participate in the debate to-day, but I want the conference report adopted at the earliest possible moment. There are several millions of dollars involved in the conference report which are, of course, not available until the conference report shall be adopted. There are ex-service men now suffering through the willful and inexcusable delay in the adoption of this conference report.

The Indians of Arizona have never been exploited, and, on the contrary, within the past 13 years over $11,000,000 has been appropriated for the support and civilization of this particular tribe of Indians; and anyone who asserts that the State of Arizona directly or indirectly, by this item or any other item, is attempting to exploit the Indians of Arizona is stating something concerning which he knows nothing. I have telegrams advising me that the Indians do not oppose this bridge. Other Senators, of course, may have telegrams advising that the Indians do not want it; but it is unjustifiable and unwarranted to hold up the deficiency appropriation bill on account of one item.

Mr. PITTMAN. Mr. President, I am delighted to hear the Senator from Arizona make this statement. I wish the statement had been made the other day at the time the conference report was first called up for consideration. Had it been made at that time, the conference report would probably have been agreed to on that day. As a matter of fact, there were very few Senators here who knew anything about the item

Mr. ASHURST. I have just stated to the Senate that I have been afflicted with la grippe, and I am scarcely able now to take part in debate.

Mr. PITTMAN. I realize that the Senator has been ill. I understand; but the Senate was not advised in regard to the item to

which the Senator refers. It is an appropriation to carry out existing law. The existing law came about through the introduction of a bridge bill enacted into law in 1925. That law itself requires that the Navajo Indians shall reimburse one half the cost of the bridge. If we are going to have any appropriation at all, it has to be made in accordance with existing law. If we attempt to change the existing law, it will be subject to a point of order in the House, and the point of order would be made because there are a great many Members of the House who do not desire to have the bridge built and who have opposed the proposition all the way through.

In 1925 both of the Senators from Arizona, as well as the Representative in Congress from Arizona, stated that the Indians were amply able to pay their half of the cost of the bridge; in other words, one-half of $200,000. Both of them urged the passage of the bridge bill with the condition in it that the Indians should reimburse the Government for the $100,000 to be advanced by the Government in behalf of the Indians. There was no question then as to whether it was good or bad policy. As a matter of fact, every Senator in this body who has been here any length of time knows that it is the fixed policy of our Government and has been for many years to require the Indians to reimburse the Government in case of benefit to them, the same as having white settlers reimburse the Government for money advanced in their interest. When I first came to the Senate I fought that policy. I desired reclamation projects placed on Indian reservations as a bonus, so to speak, to the Indians, but never since I have been here has any such policy ever been pursued.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. ASHURST. Another branch of the Congress voted on the conference report on the deficiency bill on February 25 last, the yeas on the adoption of the report being 235 and the nays 30. Now, not claiming to prophecy, but I ask you to mark how accurately I horoscope the situation when I say there will not be a deficiency appropriation bill unless and until that item is agreed to. All of this opposition to the item and fustian concerning the same—I will not say is disgusting—but it ought to cease.

The appropriation for this item was authorized by a law of the Sixty-eighth Congress.

Mr. PITTMAN. I am going to finish in a moment. The only reason why I mention the matter is because there seems to be such a great desire to adopt the conference report. It carries an item which will benefit the disabled soldiers in my State and in Arizona, but we can not expect to adopt the conference report in a hurry if Senators are fighting the conference report on the ground of an item which heretofore they have supported. The Senator from Arizona is exactly right. The House is carrying out a request of the Department of the Interior and a recommendation of the Budget Bureau. It is making an appropriation of $100,000 to carry out a law that has already been enacted. The law already enacted requires reimbursement. The House by an overwhelming vote have sustained the item after a separate debate. There is no reason why they should yield on it, and they will not yield on it. Those who are now delaying the adoption of the conference report are doing it without any just cause.

The report submitted by the junior Senator from Arizona [Mr. CAMERON] was made on the original bill providing for the appropriation for this bridge. That original bill expressly provided for reimbursement. Let me read the original act, approved February 26, 1925:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $100,000, to be expended under the direction of the Secretary of the Interior, for the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended, and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Indians of the Navajo Indian Reservation, to remain a charge and lien upon the funds of such Indians until paid: *Provided*, That no part of the appropriations herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of the payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto.

That is the present law. In presenting his report with reference to that bill, the junior Senator from Arizona [Mr. CAMERON] said:

Your committee is informed by the Bureau of Indian Affairs that the Navajo Indians of Arizona and New Mexico consider themselves to be one tribe residing on one reservation and have asked that no distinction be made with respect to Indians who reside in different administrative divisions. The committee is of the opinion that there is no practical means of enforcing a lien against the lands of the Navajo Indians and that a lien upon their funds is ample security for the reimbursement of this appropriation. Oil in paying quantities has been discovered on the Navajo Reservation, and it is known that large deposits of coal also exist, in addition to which there is considerable merchantable timber.

The bill was referred to the Secretary of the Interior for report, and its enactment is recommended in the following letter.

The junior Senator from Arizona [Mr. CAMERON] brought in the report. In that report he sets out the letter of the Secretary of the Interior, which states that this is for the benefit equally of the Indians and of the white settlers, and that under the policy of the Government the Indians should be required to reimburse one-half of the expenditure. The Department of the Interior and the Commissioner of Indian Affairs state that these Indians are amply able to pay their share. As a matter of fact, the junior Senator from Arizona knows well enough that the 30,000 Indians on the Navajo Reservation are richer per capita than is anybody in Arizona. Those 30,000 Indians own an estate there which is more valuable per capita than all the remainder of Arizona to the citizens of that State.

Now, what does all this mean? After the junior Senator from Arizona has urged the passage of the bill with the reimbursable feature in it, after he has advocated it on the floor of the Senate and caused Congress to pass it practically unanimously, after the President has signed it, after the House has acted on the appropriation thus authorized, why does the Senator get up here on the floor, at the last minute, and oppose the adoption of the conference report on the appropriation bill?

Oh, yes, he says, "We need to have the bridge built, but I do not want the Indians to pay anything." The Senator has had experience enough to know that we are not going to change the policy of this Government with regard to the Navajo Indians merely to satisfy him. He knows well enough that if he defeats this provision in the appropriation bill he will be simply delaying the development of the Navajo Indian Reservation and of the State of Arizona, and that it is a futile thing to do; that he is promising something by voting against that which he formerly stood for, under the pretense that he is going to get them something for nothing, when he, as a Senator in this body, knows that he never can get it. That is all I have to say until I get ready to discuss the question.

Mr. CAMERON obtained the floor.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. CAMERON. I yield.

Mr. CURTIS. I do not wish to cut off debate, but the conference report which Senators have been discussing is not before the Senate. When the conference report shall be brought up, every Senator will have ample opportunity to discuss it. I do hope that there may be no further discussion of it in the morning hour. I do not want to demand the regular order to cut off any Senator from speaking, but I hope the Senator from Arizona will realize the situation.

Mr. CAMERON. I should like briefly to make a few remarks, and then I reserve my right to continue the discussion on some other occasion when the matter shall be regularly before the Senate.

Mr. CURTIS. As I understand, the matter may now only be discussed by unanimous consent, but, of course, if other Senators do not object, I shall not do so.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Ohio?

Mr. CAMERON. I yield.

Mr. WILLIS. I simply wish to state to the Senator from Arizona that we are now in the morning hour; we have the calendar before us. Will he not be willing to allow this matter to go over until some other time, in order that we may consider the bills on the calendar? If the conference report is to be now discussed, meritorious measures, to which there is no objection, will simply go by default. I beg the Senator to make his remarks at some other time.

Mr. CAMERON. Mr. President, I shall be very pleased to let this matter go over for future discussion, but I wish to say to the Senate that I desire to make some remarks at the present

time because I feel that my colleague, the senior Senator from Arizona [Mr. ASHURST], has made some statements here on the floor this morning which are not very complimentary to me, as has also the Senator from Nevada [Mr. PITTMAN]. Consequently I should like to go into this matter in detail.

I admit that at the last session of Congress I reported the bill referred to, which afterwards became the present law; but I have reported many a bill from the Indian Affairs Committee of the Senate which has come from the other House and also from the Committee on Military Affairs and from other committees. At the time I reported the bill now in controversy it was supposed that the Department of the Interior and the Commissioner of Indian Affairs had recommended the bill to Congress with the full authority and consent of the Indians who were interested in the bridge, and that the Indians were willing that this appropriation should be made reimbursable from their tribal funds, but, Mr. President, such are not the facts. These Indians did not give their assent; the department approved it without their sanction, as the records of this debate will show. I can not now understand, and I do not think I ever shall understand, why the Navajo Indians would be so interested as some would attempt to make us believe in a bridge across the Colorado River 6 miles below Lee Ferry. As I have previously stated, and I now repeat, the bridge only connects on one side of the Colorado River with the Navajo Indian Reservation and on the north side with the public domain of the Government of the United States. As I have said, and now repeat, the Indians do not use that section of the country and have not done so for many years, as the senior Senator from Arizona knows. At one time when the Indians were allowed to go hunting up in the Buckskin Mountains, on the north side of the river, a few of them went out that way and hunted in the wintertime; but that region has been set aside as a game preserve for many years, and no one is now allowed to hunt there.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Arizona yield to me for a question?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. CAMERON. I yield.

Mr. ROBINSON of Arkansas. When the junior Senator from Arizona reported the bill authorizing the construction of this bridge, one-half of the funds reimbursable out of the Navajo Indian funds, did he know that condition existed?

Mr. CAMERON. I certainly did, and I——

Mr. ROBINSON of Arkansas. Then, why did the Senator urge the passage of the bill with that provision in it?

Mr. CAMERON. I do not think there was any urging about the passage of the bill. The bill was passed as many other bills are passed.

Mr. ROBINSON of Arkansas. But the point is that the Senator from Arizona reported the bill to the Senate with an argument in the written report for its passage, one-half of the amount to be reimbursable out of the Navajo Indian funds. Why did the Senator do that if he thought it was a measure oppressive toward the Indians?

Mr. CAMERON. I will say to the senior Senator from Arkansas that when that bill was passed or was recommended for passage by the Senate Committee on Indian Affairs there was a letter attached to it from the Secretary of the Interior, which has been read here about three times. I did not know then but what it was all right with the Navajo Indians, but I wish to say now that the Navajo Indians are protesting against paying one-half of the appropriation for the construction of these bridges. Consequently I think I am right in the position which I am now taking. Those Indians are citizens of the United States and I think it is my duty to try to protect them as far as I am able to do so, and I shall continue to do so in spite of what the Senator from Arkansas may think or what the Senator from Nevada may think or what the senior Senator from Arizona may think. I am doing what I think is right, and I shall continue to do so.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The VICE PRFSIDENT. Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. CAMERON. I will yield.

Mr. ROBINSON of Arkansas. The Senator has just stated in answer to my question that he knew when he reported this bill to the Senate authorizing an appropriation, one-half to be reimbursed out of the Navajo Indian funds, that it was an oppressive and unjust measure. He now says that he did it because the Interior Department reported favorably on it. I call the attention of the Senator from Arizona [Mr. CAMERON] and of the Senate to the fact that on February 18, 1925, the Senator from Arizona [Mr. CAMERON] asked the Senate to proceed to the consideration of the bill authorizing the construction of this bridge, one-half reimbursable out of the Navajo Indian fund——

Mr. CAMERON. Mr. President——

Mr. ROBINSON of Arkansas. Without any explanation to the Senate——

Mr. CAMERON. I just yielded for a question.

Mr. ROBINSON of Arkansas. He came in here, and without telling his colleagues in the Senate that he knew it was an unjust and oppressive measure, he actually secured the passage of that bill after having reported it and urging that it be passed with the provision that the amount should be reimbursable one-half out of the Navajo Indian funds. Without one word of discussion or explanation it was passed unanimously at his request. Now, let the Senator from Arizona [Mr. CAMERON] tell the Senate, if he chooses to do so, why he urged the passage of a measure that he then thought was unjust and oppressive to the Indians.

Mr. CAMERON. Mr. President, I will say to the Senate that I did not urge the measure. I brought it in here from the committee and my name was attached to the report as being from the Committee on Indian Affairs, reporting the bill favorably. I say to Senators that until this appropriation came up in the deficiency bill this year the Indians had never had a chance to protest. But when the bill came up——

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. CAMERON. I will not yield further.

Mr. ROBINSON of Arkansas. Will the Senator yield for a question?

The VICE PRESIDENT. The Senator declines to yield.

Mr. ROBINSON of Arkansas. The Senator declines to yield?

Mr. CAMERON. I will yield for a question, but I do not want a speech made while I am talking.

Mr. ROBINSON of Arkansas. I am not going to make a speech. The Senator says that the Indians had not had a chance to protest, but at that time he knew the measure was oppressive and unjust to them. Why did he himself not protest?

Mr. CAMERON. I did not have a chance to protest. The first time I had a chance to protest was on the floor of the Senate, and I protested then and gave my reasons, and I am here to-day protesting, and I am going to keep on protesting. Of course, the Senate can outvote my protest; that is their privilege; but, on the other hand, when any Senator stands on this floor and says I have been promised something by the Indians or anyone else, he is telling something that is not so. I was never promised anything by the Indians or by anybody else in the United States since I have been in the Senate, and I do not expect any promises. I am here to do my duty as a Senator, to represent the people of Arizona as best I know how, and when the senior Senator from Arizona says that I do not know what I am talking about, he is saying something that is not so.

Mr. PITTMAN. Mr. President——

Mr. CAMERON. I have the floor.

Mr. PITTMAN. Will the Senator yield to me to correct a statement he has made?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. CAMERON. I will yield for a question; yes.

Mr. PITTMAN. I assume that the Senator is referring to the Senator from Nevada when he says that somebody stated he was being promised something by the Indians?

Mr. CAMERON. I would have what I say apply to anybody who made such a statement.

Mr. PITTMAN. I did not say that.

Mr. CAMERON. The Senator said I was promised something.

Mr. PITTMAN. No; the Senator is wrong; he is rather too sensitive on that subject.

Mr. CAMERON. The RECORD will show for itself.

Mr. PITTMAN. No; I was merely talking about what the junior Senator from Arizona was promising to the Indians.

Mr. CAMERON. I want to say to the Senator, since he has brought up the question, that I have not promised anything.

Mr. PITTMAN. I know you have not.

Mr. CAMERON. Why should I? The Indians do not vote. I am not looking for any advantage to come from that source, as, perhaps, gentlemen on the other side seem to be. I doubt if 10 of the Navajo Indians vote; and I never received a vote from one of them, and I do not think I ever will, because I do not think they will register to vote, although they have the privilege of voting under the law.

Mr. PITTMAN. That is probably true.

Mr. CAMERON. But I do not like these insinuations. It is not fair. I have been trying to be fair ever since I have been here, and I am going to continue to be fair. I do not think any

Senator should accuse me of promising anything or of being promised anything. I do not think that is just and right, and I protest against it.

Mr. PITTMAN. Does the Senator think this would be of any benefit to the Navajo Indians at all?

Mr. CAMERON. To what does the Senator refer?

Mr. PITTMAN. I refer to the proposed bridge.

Mr. CAMERON. I know it will not be.

Mr. PITTMAN. Let me ask the Senator if he still believes what he said in his report?

Mr. CAMERON. I did not make that report. The report was made by the Senate Committee on Indian Affairs, and was made at the recommendation of the Secretary of the Interior, who had control of the Commissioner of Indian Affairs. If they send up material for a report from a committee to the United States Senate, and they do not know what they are doing or why they are doing it, am I responsible for their action, or are you?

Mr. PITTMAN. No.

Mr. CAMERON. That is the case here. I think the gentlemen on the other side are trying to make a political issue out of this question. I wish to say to the Senate of the United States, however, that, so far as I am concerned, they may do so, but I am not here talking from a political standpoint; I am talking for right and justice in behalf of a poor tribe of Indians who are being imposed upon. I have said before, and I now repeat, that, so far as I am concerned, if this item goes into the deficiency bill I have done my part. The senior Senator from Arizona has been here all during the week while this controversy has been up, and I am at a loss to know why he should have such a change of mind this morning and insinuate that I do not know what I am talking about, when there is no man in this country who knows the conditions in that section of the country as affecting the Navajo Indians better than I do.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. CAMERON. I yield.

Mr. PITTMAN. On page 5 of the Senator's favorable report on this bridge he expressly quotes the language of Mr. J. R. Eakin, superintendent of the Grand Canyon National Park. He was not Secretary of the Interior, and his statement was something entirely outside the letter of the Secretary of the Interior. This is what the Senator quoted:

The construction——

Mr. CAMERON. I thought the Senator desired to ask a question. I only have a few minutes; I do not want to take up the time of the Senate, because this is Calendar Monday, but I will give the Senator all the time he wants on some other occasion to debate this question.

I want to state now, before taking my seat——

Mr. PITTMAN. Is the Senator afraid to answer this question or not? If he is, I will stop.

Mr. CAMERON. I will answer it. I will answer any question any Senator desires to ask me.

Mr. PITTMAN. I am going to read the Senator about a paragraph, and ask if he believes in that now.

Mr. CAMERON. I do not know what the Senator is going to read.

Mr. PITTMAN. The Senator will know when he hears it. I am going to read it, and ask him if he believes in it now.

Mr. CAMERON. Very well.

Mr. PITTMAN. Here is what the Senator quoted in his report from Mr. J. R. Eakin, superintendent of the Grand Canyon National Park——

Mr. CAMERON. I never read the report. I took the reports of the Indian commissioner and the Secretary of the Interior and the committee on this bill. Do not try to ring in something that I have not had anything to do with.

I want to say now that the Commissioner of Indian Affairs has misled the Congress and the Senate of the United States in the report that the Indians were satisfied to pay half of that money, when I know they did not know at that time and did not know until lately that the money was to be charged up to them. I want to say further that the Legislature of Arizona, at the last regular session of that body, refused to appropriate the $100,000 that was supposed to match this $100,000 appropriated by Congress. Further, this same Senate tried to stick $100,000 down the throat of the people of Coconino County for a trail. This is similar. They may do it, but I will tell you the people are going to find out where these things are coming from, who is doing it, and why.

I thank the Senate.

Mr. PITTMAN. Mr. President, with the courtesy of the Senate, I will now continue the question. I shall be through in a second. I am not going to delay matters; but here is what the Senator from Arizona especially quoted in his report, not from the Secretary of the Interior, not from the Commissioner of Indian Affairs, but he went back and dug up a report of December 13, 1924, by Mr. J. R. Eakin, superintendent of the Grand Canyon National Park, and here is what he says:

> The construction of a modern highway to the north rim by way of a bridge near Lee Ferry would open up an immense market for Indian products, which is now practically denied them. Undoubtedly a vast amount of their handiwork would be taken over this route and stocked in various stores for sale to the tourist public. Of equal importance would be the vast stream of auto tourists that would, in traveling this road, pass four trading posts in order to reach the canyon, and many autoists would, of course, visit the Rainbow Bridge country near which is the Betatakin ruin, and thus come in contact with many other trading posts, where the principal articles of sale are Navajo rugs and jewelry, and Hopi baskets, pottery, etc.
>
> The construction of such a road and bridge would greatly increase the demand for products of the Navajo and Hopi Reservations, and while it would greatly increase travel to this country and thus aid the general prosperity of the State, the Indians, I believe, would be benefited more than the whites.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. PITTMAN. Yes.

Mr. CARAWAY. Who made that report to the Senate?

Mr. PITTMAN. This report was made by the junior Senator from Arizona [Mr. CAMERON], who then presented a bill based on this report and asked for its immediate consideration; and it was passed through the Senate on his request for immediate consideration based on this report.

One other thing: The Senator in presenting this matter, after making that quotation, said:

> Under the terms of the bill it will be necessary for the State of Arizona to pay one-half of the cost of this bridge. The Governor of Arizona in his message to the State legislature on January 12, 1925, has recommended that such an appropriation be made. It will also be necessary for the State to improve the approach road from Flagstaff for a distance of about 130 miles, over half of which is within the Navajo Reservation. The road north of the Colorado River to Fredonia will also require State funds for its construction.

The unfortunate thing about the matter is that this one item is delaying the passage of the deficiency appropriation bill. Now the Senator conceives the brilliant idea that the reimbursable feature of this proposition should be knocked out; and yet his experience, in the long time he has been here, must teach him that it is the policy of the Government to have every one for whom money is expended reimburse the Government where possible. He knows that some of us have tried time and time again to avoid the reimbursable feature where the Indians were so poor that we doubted whether they could ever reimburse the Government; but we have never even succeeded in that. In this case, where there are 30,000 Indians with an empire at their disposal, where already rich oil deposits have been discovered, where there are magnificent forests of timber and large coal deposits, it is perfectly absurd to say that these Indians can not afford in the future to reimburse the Government $100,000 for this bridge, not out of the $116,000, because it does not come out of that, but in the future out of their royalties, when at the same time they get 60 miles of road built through their reservation from the south to the north at the expense of the State of Arizona. These Indians are getting millions of dollars expended by the reimbursement of $100,000. Senators talk about protests from that Indian reservation. Where are the protests?

This is no new policy. In New Mexico, in the same Navajo Reservation, right across the line, where just one-third of these Indians live, the Government has already built bridges and roads, partly in the reservation and partly out of the reservation, and has charged the Indians of the whole reservation with $140,000, reimbursable to the Government. No one complained against that. Why? Because it was the policy of the Government that it should be reimbursed.

In 1925 the junior Senator from Arizona [Mr. CAMERON] secured the passage of a bill for the building of this bridge, and provided in the bill that it should be reimbursable to the extent of $100,000 and came before this body and asked the immediate consideration of a report, and that report indorsed this bill in every particular. Now, after Congress has provided in an appropriation bill the money to carry out existing law, he attempts to go back on the whole proposition. Why? Perhaps because it may be a popular thing to say: "Instead

of charging these Indians something, the Government of the United States will donate it to them." That may be the reason; but, whether that be the reason or not, the Senator knows that the House of Representatives is firm on the proposition of this reimbursement, and that a majority of the Senate of the United States are equally firm on it. He knows that his fight here against this provision is going to do nothing except delay the passage of this bill, which carries hundreds of thousands of dollars for the benefit of his State; which carries hundreds of thousands of dollars for the benefit of the disabled soldiers of his State. Yet he is encouraging those Indians and the people of the State of Arizona to believe that the Government is going to appropriate $100,000 to build that bridge and not ask for reimbursement, when his whole experience must teach him that that policy is impossible, and that all that his arguments and all that his efforts will do is to delay the passage of this bill indefinitely without any benefit to those people.

SENATORS FROM IOWA AND NEW MEXICO

Mr. BORAH. Mr. President, I do not rise to discuss this matter. I wish to inquire, although I do not see the chairman of the Committee on Privileges and Elections here, when we may expect a report on the Brookhart-Steck election contest.

Mr. KING. Mr. President, I regret that the chairman of the committee is not here. I should like to make the same inquiry myself; and as the ranking Democratic member of the committee I will say to the Senator that I understand the plan is to have the subcommittee make a report to the full committee at a very early date. I sincerely hope that will be done. I think the illness of some of the Senators has precluded the consideration of the matter.

Mr. ROBINSON of Arkansas. Mr. President, while the general subject is being discussed, I should like to inquire when the Committee on Privileges and Elections will make a report on the Bursum-Bratton case.

Mr. GOFF. Mr. President, as chairman of the subcommittee I will say, in answer to the Senator from Arkansas, that we expect to have a meeting of the subcommittee some day the first part of this week. The pleadings in that case are now brought to issue, and the matter is ready for a meeting of the subcommittee to report upon whether or not it will order the ballots sent here.

Mr. ROBINSON of Arkansas. Am I to understand from the Senator from West Virginia that it may be expected that a report will be made in the immediate future?

Mr. GOFF. I can not state how soon the report will be made. I can say that the question is now at issue on the pleadings, and we expect to have a meeting of the subcommittee within the next few days to determine the next step to be taken in the contest.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. The Senator from Idaho [Mr. BORAH] has the floor. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I do.

Mr. CARAWAY. In answer to the question of the Senator from Idaho I should like to say, with respect to the Steck-Brookhart contest, that as far as I know the committee can make its report within two weeks. The chairman of the subcommittee, the Senator from Kentucky [Mr. ERNST], is not in the Senate Chamber to-day, and I do not know when he will call the subcommittee together. It is ready to conclude its investigation and make its report to the full committee, and, at the request of the full committee, has gone over most of the matter. I do not know of any reason why it could not make its report this week if the chairman of the committee would call it together for that purpose.

Mr. BORAH. I had so understood the fact as stated by the Senator from Arkansas. That is the reason why I asked at this time when we might expect a report. I had understood that there was really no occasion for any further delay. When the Senator from Kentucky [Mr. ERNST] comes into the Chamber I will renew my inquiry.

Mr. GEORGE. Mr. President, I did not hear the first part of the inquiry made by the Senator from Idaho. Hearing his last remarks, I presumed, of course, that he was making inquiry about the report on the Steck-Brookhart contest.

There is no reason, Mr. President, why the subcommittee, of which I am a member, could not make its report after one day's or two days' sitting. I have myself urged immediate consideration by the subcommittee, and I have been promised that the subcommittee would be called together by the chairman as soon as the junior Senator from Arkansas [Mr. CARAWAY] returned. The junior Senator from Arkansas is now back in the Senate, of course, and I hope we can dispose of the matter and make our report to the full committee at least before the end of this week.

PERMANENT COURT OF INTERNATIONAL JUSTICE

Mr. ASHURST. Mr. President, I ask permission of the Senate to have printed in the RECORD copy of a sermon preached on January 31, 1926, by the Very Rev. Howard Chandler Robbins, dean of the Cathedral of St. John the Divine, in New York City, regarding the Permanent Court of International Justice.

I also ask permission to include in the RECORD a copy of some of the proceedings in the House of Representatives of the United States under date of Tuesday, March 3, 1925, wherein the House of Representatives, by a vote of 302 yeas to 28 nays, urged adherence by the United States to the Permanent Court of International Justice. I request that the roll call showing the names of those voting for adherence and those voting against adherence be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

THE ADHERENCE OF THE UNITED STATES TO THE PERMANENT COURT OF INTERNATIONAL JUSTICE

Preached by the Very Rev. Howard Chandler Robbins, dean of the Cathedral of St. John the Divine, New York City, January 31, 1926

In one of the noblest hymns in the English language, James Russell Lowell, poet, statesman, patriot, and Christian, phrased in moving words the thought and emotion which are in the minds and hearts of most of us, perhaps all of us, this morning.

"Once to every man and nation
Comes the moment to decide,
In the strife of truth with falsehood,
For the good or evil side;
Some great cause, God's new Messiah,
Offering each the bloom or blight,
And the choice goes by forever
'Twixt that darkness and that light."

Lowell wrote these words in 1845, having in mind the irrepressible conflict, even then pending, which was to decide, once and for all time to come, whether the institution of slavery was compatible with a civilization which called itself Christian. The American people waited for nearly 20 years before making a decisive answer. The answer was heralded by the watchfires of a hundred circling camps. It was sounded forth in challenge upon the trumpet that shall never call retreat. It was phrased at last by Abraham Lincoln and sealed by the testimony of his blood, poured out in martyrdom. This Nation had been told by him that it could not endure half slave and half free. It made the great decision; it chose the side of liberty; and it endured.

To-day, as not before, perhaps, since the ending of the Civil War, our country has again been confronted with the necessity of making a political decision which is also a moral decision of supreme importance, the background of which, now as then, is the background of a prolonged, agonizing, and devastating armed conflict, the roots of which, now as then, are driven deep into the immemorial past, and the issues of which, now as then, reach out into an illimitable future. History never repeats itself exactly. The background of the decision reached 60 years ago was civil war; the background now is Armageddon. The question at issue then was the question of the perpetuation of the institution of slavery; the question at issue now is the question whether war itself shall be perpetuated as the proper method for the settlement of international disputes, or whether it shall be superseded by recognition of the binding character of international law. There are other differences upon which it is not necessary to enlarge. But now, as 60 years ago, the issue is essentially a moral issue. The choice has been essentially a corporate national choice between the good and evil side of a question involving the hopes and fears of all humanity. And, thanks be to the eternal God of judgment and of justice, now as in that fateful past, the choice of the American people, made freely after long and weighty deliberation, has been favorable to the cause of righteousness and to the kingdom of our God and of His Christ.

I shall not try, this happy morning, to recount the developments of the past few years, or to rehearse the arguments which led the Senate of the United States, truly representing the American people in its nonpartisan and overwhelmingly favorable vote, to accept the leadership of the President and give adherence to the Permanent Court of International Justice. It is not necessary to recount or to rehearse them. Most of us know them by heart, and are met to-day, not to review or to argue, but to rejoice. But there are three aspects of the matter which appear to me to be deserving of brief consideration, and to be appropriate for consideration at this time and in this place. I invite your attention to them now.

In the first place, we can not properly rejoice in a great national accomplishment without paying the tribute of grateful recollection to those who, whether by statesmanlike planning, or by sacrificial devotion, and, in the case of tens of thousands, at the cost of life itself, brought it about. We think first of all of our dead, the young soldiers who went to France, some of them of military necessity, but more of them because morally they could not do otherwise, moved by the noblest and most idealistic motives that ever prompted youth to draw the sword. It has been said of them that they were not so moved, and that our country entered the war for merely selfish consideration, to "save its skin."

Let us to-day brand that falsehood and dismiss it with everlasting contempt. Motives are mixed, in nations as in men, but if ever they approach purity, they approached it in this instance. John Arkwright's beautiful tribute is as deserved by our American soldiers as by the young Englishmen for whom it is inscribed upon so many war memorials in England:

"Proudly you gathered, rank on rank to war,
As who had heard God's message from afar;
All you had hoped for, all you had you gave
To save mankind—yourselves you scorned to save."

Was mankind to be saved unless something should come out of the war worth even that tremendous purchase price—some new self-ordering of human affairs that should include a League of Nations for cooperation in all helpful ways, and a Permanent Court of International Justice, making possible the resort to justice instead of the resort to force? Mr. Elihu Root, who has taken a part so honorable to his country as well as to himself in this matter, has told us that what the world needs is institutions to make effective the will to peace. That will is always present, but often inarticulate, and often overborne by the tumult of popular passion and prejudice. No nation is capable of being at the same time attorney, jury, judge, and executioner in a cause involving its own real or apparent interests. Our young men, as they went to France, repeated out of an honest and good heart the slogan by which they had been summoned, that this was a war to end war. The members of the American Legion were guided by surest instinct when, at the great convention held in Omaha last year, they indorsed emphatically the proposed entry of our country into the World Court. They knew no surer way of fulfilling the great and sacred obligation of the living to the dead.

And then we think also, and with gratitude, of others who, although they were not called upon to pay so great a price, gave all that they were called upon to give, without self-sparing, for the same good end; the statesmen and publicists of this and many lands who, even in the heat of present conflict, were far-sighted enough to look beyond the immediate horizons, murky with hatred and the thunderclouds of battle, and to discern in the distance the mountain peaks of a better future for humanity, to which the agreements of Locarno and the entry of our country into the World Court are the most significant approaches at the present time. We are grateful that we can number among them every President of the United States who has held office within recent years: Theodore Roosevelt, who, with all the ardent force of his impetuous nature, pleaded for the cooperation of nations to enforce justice and so establish peace; William Howard Taft, our beloved and honored Chief Justice, who, as early as the spring of 1915, was urging upon American public opinion the necessity of a league to enforce peace; Woodrow Wilson, who made the willing sacrifice of health, and indirectly of life itself, in his great endeavor; Warren Gamaliel Harding, whose devotion to the World Court was the chief merit of his brief administration and was reflected in the principal addresses made during the last weeks of his life; and to-day Calvin Coolidge, happy in being the Joshua under whose leadership his fellow-countrymen, without distinction of party, are passing over into the promised land of a world-wide reign of law. And it is right that in this connection honor should be paid to a statesman who, although he never occupied the presidential chair, was the wise friend and counselor of American President, John Hay, who began his public career as secretary to Abraham Lincoln and closed it as Secretary of State in the Cabinet of President Roosevelt. No man in American history was ever more internationally minded in his patriotism or more determined that his country should seek and find honor, not by show of force, but by respect for law; not by oppression of the weak, but by charity and helpfulness and a decent respect for the opinions of mankind.

Then, in the second place, we take satisfaction that the adherence of our country to the World Court means emerging from an ungracious and unhelpful isolation into a better and more Christian relation to world affairs, and that this means the breaking down of many racial and political prejudices which did little credit to our patriotism or to our humanity. It is significant that the most determined and well-organized opposition to the new departure came from a group which has become synonymous for organized race hatred. Hooded figures, which conceal their identity and strike down their victims in the dark, are not characteristic of our American civilization.

They have no helpful part to play in the common life of a democracy. We remember St. Paul's words that there is neither Jew nor Greek, male or female, bond or free, but all are one in Christ Jesus. We paraphrase them to meet present-day conditions, and we declare to all who walk in the darkness of race prejudice and religious bigotry that in a true democracy, so far as citizenship and mutual charity and helpfulness are concerned, there should be neither Protestant nor Catholic, native-born nor immigrant, white man nor black; but that all, moved by a common impulse, should promote the peace and welfare of their country in the daily interminglings of their common life.

And, finally, and here we trench more definitely upon religious grounds, we take satisfaction in the thought that in the decision of the United States to give its adherence to the World Court a stumbling block has been removed from the path of high-minded men and women, especially young men and women, who have apprehended the possibility of disastrous conflict between the two greatest motives that move mankind in the mass—the motive of patriotism and the motive of religion.

The experience of the Old World has furnished illustrations in abundance of the desolating effect of such a conflict; we must make every effort to see that it is never duplicated in the new. Few of our young people, I think, are out-and-out pacifists. Most of them are logical enough to realize that such a position has domestic as well as international implications; that the logic of such a position carries with it Count Tolstoy's doctrine of anarchy; for if force is in itself unrighteous in international affairs, what justification is there for it in the case of the policeman? But many of our young people, having taken to heart the lessons of the Great War, are now prepared to sacrifice their liberty and even life itself rather than to engage in any armed conflict in which the moral issues are not as definitely determined as in the case of policeman versus outlaw. The adherence to the World Court assures for them that definite determination. In questions involving right and wrong it will give them for their guidance and direction opinions based not upon prejudice or passion but upon international law. In the we trust unthinkable event of their country refusing to submit justiciable questions to this court before resorting to arms there would be no conflict between religion and patriotism. Both would require the same protest, for the protest in such an event would be directed not against the corporate will of the Nation but against the temporary betrayal of that will by a disloyal administration.

Strangely enough, this moral gain which has accrued through the recent action of the Senate received scant recognition, if any, in the debates upon the floor of the Senate, which preceded such action. Our Representatives have builded better than they knew. They have built a bulwark of law and justice for the protection of sensitive consciences. They have lifted the level of the Nation's purpose, feeling, and thought.

For all these things, for the past effort crowned now with great reward, for the breaking down of barriers which ought not to exist, and for the bringing together of the interests of patriotism and religion we thank God to-day with full and grateful hearts.

HOUSE OF REPRESENTATIVES,
Tuesday, March 3, 1925.

PERMANENT COURT OF INTERNATIONAL JUSTICE

Mr. BURTON. Mr. Speaker, I move to suspend the rules and pass House Resolution 426, favoring membership of the United States in the Permanent Court of International Justice.

The Clerk read the resolution, as follows:

"Whereas a World Court, known as the Permanent Court of International Justice, has been established and is now functioning at The Hague; and

"Whereas the traditional policy of the United States has earnestly favored the avoidance of war and the settlement of international controversies by arbitration or judicial processes; and

"Whereas this court in its organization and probable development promises a new order in which controversies between nations will be settled in an orderly way according to principles of right and justice: Therefore be it

"*Resolved*, That the House of Representatives desires to express its cordial approval of the said court and an earnest desire that the United States give early adherence to the protocol establishing the same, with the reservations recommended by President Harding and President Coolidge;

"*Resolved further*, That the House expresses its readiness to participate in the enactment of such legislation as will necessarily follow such approval."

The SPEAKER. Is a second demanded?

Mr. CONNALLY of Texas. Mr. Speaker, I demand a second.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

* * * * * * *

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds having voted in favor thereof——

Mr. BLANTON. In order to have a showing, I ask for a rising vote.

The House divided; and there were—ayes 149, noes 10.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Tennessee demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 28, not voting 101, as follows:

[Roll No. 101]

Yeas—302: Abernethy, Ackerman, Allen, Allgood, Almon, Anderson, Andrew, Anthony, Arnold, Ayres, Bacharach, Bacon, Barbour, Barkley, Beedy, Beers, Begg, Bell, Bixler, Black of Texas, Bland, Blanton, Bloom, Boies, Bowling, Box, Boyce, Brand of Georgia, Briggs, Browne of Wisconsin, Browning, Brumm, Buchanan, Bulwinkle, Burtness, Burton, Busby, Byrnes of South Carolina, Byrns of Tennessee, Canfield, Cannon, Carew, Carter, Celler, Chindblom, Christopherson, Clague, Clancy, Clarke of New York, Cleary, Cole of Iowa, Collier, Colton, Connally of Texas, Cook, Cooper of Ohio, Cooper of Wisconsin, Cramton, Crisp, Croll, Crosser, Crowther, Cummings, Dallinger, Davis of Tennessee, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Doughton, Dowell, Drane, Drewry, Driver, Elliott, Evans of Iowa, Evans of Montana, Fairfield, Faust, Fenn, Fish, Fisher, Fitzgerald, Foster, Frear, Fredericks, Free, Freeman, French, Frothingham, Fuller, Fulmer, Funk, Gambrill, Garber, Gardner of Indiana, Garrett of Tennessee, Garrett of Texas, Gasque, Geran, Gibson, Gifford, Gilbert, Goldsborough, Green, Greenwood, Griest, Griffin, Guyer, Hadley, Hall, Hammer, Hardy, Harrison, Hastings, Hawes, Hawley, Hayden, Hersey, Hill of Alabama, Hill of Washington, Hoch, Holaday, Howard of Oklahoma, Huddleston, Hudson, Hull of Iowa, Hull of Tennessee, Hull, Morton D., Hull, William E., Jacobstein, Jeffers, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Jones, Kearns, Kelly, Kent, Kerr, Ketcham, Kiess, Kincheloe, Knutson, Kopp, Kurtz, LaGuardia, Lanham, Lankford, Larsen of Georgia, Lazaro, Lea of California, Leach, Leavitt, Lee of Georgia, Lehlbach, Lineberger, Linthicum, Lowrey, Luce, McClintic, McDuffie, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McReynolds, McSweeney, MacGregor, MacLafferty, Magee of New York, Magee of Pennsylvania, Major of Illinois, Major of Missouri, Mansfield, Mapes, Martin, Merritt, Michener, Miller of Washington, Milligan, Minahan, Montague, Mooney, Moore of Illinois, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morehead, Morris, Morrow, Murphy, Nelson of Maine, Newton of Minnesota, Nolan, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, Oldfield, Oliver of Alabama, Park of Georgia, Patterson, Peery, Perkins, Perlman, Phillips, Porter, Prall, Quayle, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Ransley, Rathbone, Rayburn, Reece, Reed of Arkansas, Reed of New York, Reed of West Virginia, Reid of Illinois, Richards, Robinson of Iowa, Robsion of Kentucky, Rogers of New Hampshire, Romjue, Rouse, Rubey, Sabath, Sanders of Indiana, Sanders of New York, Sanders of Texas, Sandlin, Schneider, Scott, Sears of Nebraska, Seger, Shallenberger, Sherwood, Shreve, Simmons, Sinnott, Smithwick, Snell, Snyder, Speaks, Spearing, Sproul of Kansas, Stalker, Steagall, Stedman, Stengle, Stephens, Stevenson, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Swank, Sweet, Swoope, Taber, Taylor of Colorado, Taylor of West Virginia, Temple, Thomas of Oklahoma, Tillman, Tilson, Timberlake, Treadway, Tydings, Underhill, Underwood, Upshaw, Vaile, Vestal, Vincent of Michigan, Vinson of Kentucky, Wainwright, Wason, Watres, Weaver, Weller, Welsh, White of Kansas, White of Maine, Williams of Illinois, Williams of Michigan, Williamson, Wilson of Indiana, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winslow, Winter, Woodruff, Woodrum, Wright, Wyant, and Zihlman.

Nays—28: Beck, Black of New York, Boylan, Brand of Ohio, Cable, Campbell, Collins, Connery, Cullen, Deal, Fairchild, Hill of Maryland, James, King, Lampert, Lindsay, McFadden, Mead, Morgan, Nelson of Wisconsin, Schafer, Sinclair, Tague, Thomas of Kentucky, Thompson, Tinkham, Voigt, Wefald.

Not voting—101: Aldrich, Aswell, Bankhead, Berger, Britten, Browne of New Jersey, Buckley, Burdick, Butler, Casey, Clark of Florida, Cole of Ohio, Connolly of Pennsylvania, Corning, Curry, Darrow, Davey, Davis of Minnesota, Dominick, Doyle, Dyer, Eagan, Edmonds, Favrot, Fleetwood, Fulbright, Gallivan, Garner of Texas, Glatfelter, Graham, Haugen, Hickey, Hooker, Howard of Nebraska, Hudspeth, Humphreys, Johnson of West Virginia, Jost, Keller, Kendall, Kindred, Kunz, Kvale, Langley, Larson of Minnesota, Leatherwood, Lilly, Logan, Longworth, Lozier, Lyon, McKenzie, McLeod, McNulty, McSwain, Madden, Manlove, Michaelson, Miller of Illinois, Mills, Moore of Georgia, Morin, Newton of Missouri, O'Brien, O'Connell of New York, O'Sullivan, Oliver of New York, Paige, Parker, Parks of Arkansas, Peavey, Pou, Purnell, Roach, Rogers of Massachusetts, Rosenbloom, Salmon, Schall, Sears of Florida, Sites, Smith, Sproul of Illinois, Sullivan, Sumners of Texas, Swing, Taylor of Tennessee, Thatcher, Tincher, Tucker, Vare, Vinson of Georgia, Ward of New York, Ward of North Carolina, Watkins, Watson, Wertz, Williams of Texas, Wolff, Wood, Wurzbach, Yates.

So, two-thirds having voted in the affirmative, the rules were suspended and the resolution was passed.

RIGHTS OF AMERICAN CITIZENS IN MEXICO

Mr. NORRIS. Mr. President, is there not a resolution coming over from a preceding day? I offered a resolution, which is on the table, and I would like to have it disposed of

The VICE PRESIDENT. The Chair lays the resolution before the Senate, and it will be read.

The CHIEF CLERK: Senate Resolution 151, submitted by Mr. Norris February 18, 1926:

Whereas various statements in the public press seem to indicate that there is a serious dispute between the Government of the United States and the Government of Mexico, in which it is claimed that various constitutional provisions and statutes of the Mexican Government conflict with the rights of American citizens alleged to have been acquired in oil lands in Mexico prior to the adoption of such constitutional provisions and the enactment of such laws; and

Whereas the American people are in ignorance of the real questions involved because the official correspondence between the two Governments has not been made public; and

Whereas full publicity of all the facts entering into such dispute is extremely desirable in order that the people of the two Governments may fully understand all the questions involved in said dispute; and

Whereas it has been stated in the public press that the Department of State has been very anxious to give full publicity to the official correspondence and that the Mexican Government has objected to such publicity: Now, therefore, be it

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to inform the Senate whether the Mexican Government has objected and is objecting to the publication of all the official correspondence pertaining to said dispute, and if it has so objected what reason, if any, has been assigned for the objection to such publicity.

Mr. CURTIS. Mr. President, I talked with the Senator from Idaho [Mr. BORAH] last Saturday about this resolution, and he told me that he would like to have it go over.

Mr. NORRIS. The Senator from Idaho has just come into the Chamber and I would like to inquire whether there is any further objection to the present consideration.

Mr. BORAH. Mr. President, the facts with reference to the correspondence which the Senator desires to have are these, briefly: Neither the Secretary of State of the United States nor the ambassador from Mexico objects, as I understand it, to having the correspondence published. The delay has been due to the fact that the correspondence is still in progress. I think, however, the Secretary of State expected to send his reply to the last letter of the Mexican Government to-day, and it is presumed that that will close the correspondence.

As nearly as I can ascertain the facts, the representative of the Mexican Government and the Secretary of State will then be willing to have the correspondence published. I would suggest, therefore, if it is satisfactory to the Senator, that the resolution go over for another day or so, because I think we will get the correspondence quite as speedily as if the resolution should be passed now. The matter is delayed solely because of the desire to have a complete understanding between the two Governments as to when the correspondence shall be published. The delay has been due to the fact that it was thought to be wise to wait until the correspondence was concluded. I do not understand that either Government objects to full publicity.

Mr. NORRIS. Mr. President, the introduction of this resolution was not the result of idle curiosity. I know that serious international difficulties often arise from misunderstandings which come about through the secrecy of diplomatic methods. I am not anticipating that the difficulties in this case might result in a war between the United States and Mexico. Such a war would be one-sided, as everybody knows. But secret negotiation is a method which brings on war between governments of equal ability, military and financial. I believe we ought to be as careful in our foreign relations with a nation that is weak as though we were negotiating with some nation equal in size, and in military and financial strength.

The secrecy which obtains always gives rise to propaganda, inculcating in the hearts of the citizens of different nations a feeling of hatred, which will eventually grow and grow until there rises a feeling between the nations sufficient, if they are of equal ability, to bring on war, and if not, then it means that the weaker nation must suffer because of its inability to cope with the nation that is stronger.

The difficulty arising over title to oil lands in Mexico is a purely legal proposition. My resolution seeks nothing but publicity, which would give to the people of Mexico and to the people of the United States absolute knowledge as to just what the dispute is, and what position has been taken by each of the Governments. In other words, it would, I think, dispel any possibility of such a misunderstanding in the future as always comes about when secrecy controls governments.

I am not unmindful, I can not be unmindful, of the fact that since this dispute has arisen, there has apparently been a propaganda in the newspapers, in substance laying a foundation of hatred of a religious nature and of an educational nature on the part of our people against Mexico. It is charged in the newspapers that Mexico is excluding missionaries and ministers and educators from the schools, the articles being couched in language which, it seems to me, can have no other object than to create dislike, mistrust, and hatred in the hearts of the American people against the Mexican Government. If it can be carried on until that hatred is aflame, while these secret negotiations are going on, millionaires can steal oil lands in Mexico without anybody knowing it, or without anybody finding it out.

The greatest difficulty with our diplomacy is secrecy. The greatest danger of serious misunderstanding between governments is secrecy of negotiations, and at the proper moment the propaganda instituted in both countries to inculcate a feeling of distrust and hatred against the citizens of another.

All this would, as a rule, be dissipated, all difficulty would be avoided if the intelligent citizenship of the countries had access to the truth; and the truth is all I seek to obtain. I will not be satisfied with a statement from the Secretary of State, through the chairman of the Committee on Foreign Relations, or to me personally, that I can have access to the correspondence or that it can be seen. I want the American people to see it. I want the Mexican people to see it. I want the cards of these two Governments laid on the table face up so that everybody may examine for themselves all the correspondence, be informed as to what misunderstanding there may be, and inquire into whatever legal fictions may exist. Let it all be submitted publicly to the people not only of the countries, but to the people of the world.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. I did not hear the reading of the resolution which is the subject of discussion, and I ask the Senator whether it comprehends any correspondence relating to lands other than oil lands, because the Senator knows the claim is made by many Americans that not only have oil lands been expropriated, or efforts have been made to expropriate them, but that estates and holdings of many American citizens, acquired many years ago, and developed by them at very great expense, have also been expropriated, either by a State of Mexico or by the National Government itself. I was wondering whether the Senator's resolution is broad enough to ask for the correspondence relating to those alleged confiscatory acts of the States or of the Federal Government of Mexico, as well as the correspondence relating to the oil controversy.

Mr. NORRIS. Mr. President, I can perhaps answer the Senator's question best by reading the first whereas. It is as follows:

> Whereas various statements in the public press seem to indicate that there is a serious dispute between the Government of the United States and the Government of Mexico, in which it is claimed that various constitutional provisions and statutes of the Mexican Government conflict with the rights of American citizens alleged to have been acquired in oil lands in Mexico prior to the adoption of such constitutional provisions and the enactement of such laws.

I will say to the Senator from Utah that that is practically the only thing the resolution seeks to get. In later whereases it is alleged that it has been stated that our Government was anxious to give publicity, and that the Mexican Government has objected to that. This resolution asks our State Department, if not incompatible with public interests, to tell us whether it is true that the Mexican Government objects to publicity; and if so, why it objects. That is the substance of the resolution.

Mr. KING. I do not object to the resolution, but if it should be presented for passage, I should suggest to the Senator an amendment, and I shall offer it if he does not object, to inquire not only for the correspondence relating to oil lands but to other lands, especially estates and agricultural lands, which it is alleged have been confiscated by the Federal Government and by some of the State governments in Mexico.

Mr. NORRIS. I have no objection to that, unless it would interfere with securing the information I want. We can not have too much publicity for me.

Mr. KING. I have been informed that some of the States of Mexico, as well as the national Government, have seized property belonging to American citizens, which they have held for very many years, and have subdivided it, or at least it is claimed that they have subdivided it and turned it over to agrarians for development. I should like full information.

Mr. NORRIS. The correspondence covering those facts would disclose to the people of the two countries, I think, just what the contest is, what merit there may be, if any, and what exaggeration, if any, there may be. In other words, it would take away everything but the truth, and we ought to have that.

Mr. SMITH. Mr. President, I want to call the Senator's attention to the fact that I have had correspondence in reference to an American citizen whose property was taken under some act of the Mexican Government, and who for years and years has been negotiating with our State Department, setting forth his rights, how he had acquired it, and how it had been taken, as he understood it, without any consideration of the relation existing between the Mexican Government and this Government. The matter is still in abeyance, and that citizen does not understand whether it is the fault of his Government or the fault of the Mexican Government, and what his rights are, if he has any. The whole matter is in confusion.

I state frankly that the communications I have had from the State Department have not shed very much light on the matter. The only thing that seems to be a fact is that the Mexican Government has this property, which the American citizen alleges he bought and paid for, and that he has been deprived of the use of it for the last two or three years.

Mr. NORRIS. All such things ought to be settled in the open light of day. The questions involved are questions of law. They are questions which can be determined, if submitted to the right kind of a legal tribunal, without concealing any of the facts or preventing the people of the two countries from knowing the truth. That ought to be done, it seems to me.

Mr. SWANSON. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. If we are going to get information in reference to Mexico, we ought to get full information on all the various phases of the controversy between the two Governments. We ought to get full information regarding the negotiations which led up to the recognition of Mexico and any promises which were made in connection with the retroactive features of Article XXVII of the Constitution. We ought to have information at the same time in connection with the policy that Mexico apparently has of appropriating the land and property of American citizens and paying for it with bonds that are not worth anything and that can not be sold for anything, which amounts to confiscation of the property.

We ought also to have information in regard to the statute recently enacted in Mexico prohibiting the ownership of property by Americans within certain distances from the boundary line and the coast line, and made applicable not only to oil lands, but also to homes and other investments made by American citizens in that territory. I understand that the State Department is willing to give out the correspondence and a statement of the position it takes in the matter. I understand, as the chairman of the Committee on Foreign Relations has stated, that the Mexican Government has not refused, but has not given its consent; that the State Department will soon get its consent.

I would like to have all the correspondence and am desirous of obtaining it. I had a great deal of it sent to us when we ratified the treaties with Mexico, and also the assurances that were given by the Mexican Government at the time the treaties were ratified. I think when we get the information it ought to be full and complete and published in a document.

I would suggest to the Senator from Nebraska that he follow the suggestion made by the Senator from Idaho and let the resolution go over for a day or two. I am satisfied the information will be furnished, and I think it ought to be furnished in full. The Senator can recognize that it would be very embarrassing to our Government to give reasons why the Mexican Government did not wish to publish the correspond-

ence at this time, when it has not really refused, as I understand it, but is waiting to get the consent of Mexico. It is very difficult for a government to publish correspondence of another government without its consent.

Mr. NORRIS. Let me make some reference to what the Senator has said before he proceeds further and then I will yield the floor. The Senator can then talk about it as long as he wants.

I have heard it said, just as the Senator from Virginia has intimated, that our Government has been extremely anxious to give publicity to all of the correspondence, but that the Mexican Government would not consent to it. However, I have also received information as reliable as the other that the Mexican Government has never objected to publicity and that it is our Government that is objecting to publicity. I am trying to find out in which woodpile the negro is located. The resolution would do that. They can say, of course, that it is not compatible with the public interests and decline to give any information, but I would like to know the truth. The truth ought to set the people free. It will if we get it all.

I am not seeking to get the countries into a controversy by the resolution. The only objection I have to broadening it so as to take in everything running over all the years of the past since the recognition of the Government of Mexico is that it would make it cover so much matter that I will say to the Senator from Virginia I fear somewhere along the line would be discovered a reason for not giving any publicity, which would be used as an excuse so that we would get no publicity of anything.

I am just as much in favor of publicity along all the lines the Senator has mentioned as he can possibly be, but I have confined the resolution to the recent oil disputes, something that is in progress now, something that is a controversy of the present time, and I would prefer to confine it to information with reference to that rather than to broaden it so as to give an excuse for not furnishing any information whatever. It would be all right to have another resolution such as the Senator has outlined, and I would give it my hearty support.

Mr. SWANSON. Does not the Senator think it would be well to follow the suggestion made by the chairman of the Committee on Foreign Relations?

Mr. NORRIS. I am going to follow the suggestion. I have no disposition to press the matter now. I have no disposition to disregard the request of the chairman of the Committee on Foreign Relations and I therefore ask that the resolution may go over without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice. The next resolution coming over from a previous day will be stated.

VIOLATIONS OF SHERMAN ANTITRUST LAW

The CHIEF CLERK. The resolution (S. Res. 153) submitted by the junior Senator from Utah [Mr. KING] on February 22, relative to decrees obtained, property seized, and conviction of persons for violation of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890.

Mr. KING. Mr. President, I can conceive of no objection to the adoption of the resolution. It has gone over two or three times at the request of the senior Senator from Kansas [Mr. CURTIS].

Mr. WILLIS. I call the attention of the Senator from Kansas to the resolution. I suggest that some explanation should be made with reference to the resolution.

Mr. CURTIS. I have no objection to the resolution.

Mr. WILLIS. Then I have none.

The resolution (S. Res. 153) was considered by unanimous consent and agreed to, as follows:

Resolved, That the Attorney General report to the Senate the number of persons who have been convicted and imprisoned for a violation of section 1 of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, together with the dates of such convictions;

The number of persons who have been convicted and imprisoned for a violation of section 2 of said act, together with the dates of such convictions;

The number of persons who have been convicted and imprisoned for a violation of section 3 of said act, together with the dates of such convictions;

The number of decrees which have been obtained in behalf of the United States under section 4 of said act, the number of such decrees which were consent decrees, the number of proceedings in contempt which have been brought to enforce such decrees, and the number of persons adjudged to have been in contempt with respect to the performance of such decrees, together with the dates of such cases;

The amount of property which has been seized, condemned, and forfeited to the United States under provisions of section 6 of said act, together with the dates of such forfeitures;

And the number of cases in which judgments have been obtained under section 7 of said act, together with the dates of such cases.

POSTAL RECEIPTS

The VICE PRESIDENT. The next resolution coming over from a previous day will be stated.

The CHIEF CLERK. The resolution (S. Res. 156) requesting information relative to postal receipts for the six months ending December 31, 1924, and December 31, 1925, respectively, submitted by the senior Senator from Mississippi [Mr. HARRISON] on February 24.

Mr. MOSES. Mr. President, in the absence of the Senator from Mississippi [Mr. HARRISON], may the resolution go over without prejudice?

The VICE PRESIDENT. The resolution will be passed over without prejudice.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent for the consideration of the unobjected bills on the calendar until 2 o'clock.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will state the first bill on the calendar.

The bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America was announced as first in order.

Mr. WILLIS. Mr. President, I desire that all of the measures pertaining to foreign debt settlements may go over for the present, being Senate bill 1134, Senate bill 1135, Senate bill 1136, Senate bill 1137, Senate bill 1138, and Senate bill 1139.

The VICE PRESIDENT. The bills will go over.

SETTLEMENT OF CLAIMS

The bill (S. 1912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $5,000 in any one case was announced as next in order.

Mr. KING. Mr. President, I prefer to yield to the Senator from Colorado [Mr. MEANS], but in view of the action taken by the Committee on Claims and by the Judiciary Committee in the appointment of a joint subcommittee for the consideration of the questions involved here as well as cognate matters, I hope my friend from Colorado will not be offended if I ask that the measure go over for the present.

Mr. MEANS. Mr. President, I do not understand that the two subcommittees were to pass upon this question at all. If the Senator from Utah will bear with me for a moment, if he understands what the Committee on Claims is endeavoring to accomplish by the bill, I do not see how he can well raise an objection unless it be to the third paragraph of the bill. I call his attention to the fact that there are now over 600 bills pending before the Committee on Claims. We are being requested daily by Senators to take action of some kind. We are there acting as nisi prius judges on the claims. We enacted what is called the "small claims" law providing a limitation of $1,000 jurisdiction. We here ask in exactly the same language, with the exception of the committee amendment, as to date and the change of the word "legal" to "just," an increase to $5,000 in the amount of the claims to be considered by the heads of departments.

We have a great number of tort claims that it is not asked shall go before the Court of Claims or the Federal courts, and that is the question we were to consider and to which the Senator has referred. But there being such a great number of them, we have not the means of intelligently passing upon them. We have an agency called the compensation commission, which has authority to consider claims under $5,000 in amount, and we only give to that commission the right to make a report to Congress, while Congress still retains jurisdiction of the entire matter. We have not undertaken to change the situation so far as the authority of Congress is concerned. We merely propose to designate an agency to act for the Committee on Claims to determine the righteousness and justness of claims up to $5,000, and no more, and report back in writing to Congress, but Congress retains jurisdiction. It is merely the establishment of an aid to the Committee on Claims in the form of people who understand the matter of getting the necessary evidence. We can not have the doctor's certificates in such matters. We can not have the evidence before us to enable us intelligently and justly to pass upon the claims. We merely provide that a commission now existing, without any additional officers and with no more salaries to be paid, shall pass upon these claims instead of requiring the Committee on

Claims to pass upon them and return to us a report as to whether the claims are just or not.

This matter was considered by the Committee on Claims and reported unanimously. There is no danger involved. There is no change from any present system. There is no increase in the jurisdiction of anyone at all. It is simply an aid to the Committee on Claims and it will enable them more intelligently to pass upon these questions. Congress always retains jurisdiction, and nothing can be done until Congress finally passes upon the claims. Our small claims act has served so well that we have merely increased to $5,000 the amount of claims that may be considered, and the other provision merely creates an agency to hear and determine the evidence without any rules or regulations of any kind and inform us what their opinion is with reference to the claims. It is a matter that can be taken away from them at any moment. There is nothing to increase their jurisdiction to any extent.

With that explanation, unless the Senator desires to make inquiry along the line he suggested, I can not see that it is a matter for the two committees to pass upon at all. As I understand it, the subcommittee of the Committee on Claims and the subcommittee of the Judiciary Committee were to pass upon the question of the jurisdiction of the Court of Claims in these matters and as to the proper place to refer them. We are not going to increase the jurisdiction of anybody at all.

Mr. KING. Mr. President, my understanding of the duty committed to the joint committee of which I have spoken was, among other things, and that was really the paramount thing as I understood it, to inquire as to the wisdom and the propriety of permitting a suit at all against the Government for a tort of its agents. It is a serious matter whether we ought to permit the Government to be sued at any place in the United States when some person has received an injury possibly through the negligence of a soldier or a man driving one of the Government cars upon a military reservation or any civil employee of the Government of the United States. It would mean a large number of suits annually in all parts of the United States at a cost to the Government of a stupendous sum. It did seem to me that the duty which was devolved upon the committee—and I hope the chairman of the Committee on Claims is a member of the subcommittee from his committee—was to inquire into that question fully and it would comprehend, as I view it, some of the provisions of the bill.

I agree that the bill does not authorize suits, but it does seem to imply that in a case of negligence the committee or the head of the department shall so find, and if it is a just claim it shall be certified much the same as when the Court of Claims certifies a claim to the Congress, and the presumption is that Congress will ipso facto make the necessary appropriation to cover the finding. I do hope my friend will let this bill go over.

Mr. MEANS. The difference is this: The Senator thinks that we are proposing to open the door and granting generally the right to sue the Government. There is nothing of the kind involved. That is a question which would be considered by the joint action of the subcommittees. This bill merely relates to claims which were presented before the Committee on Claims. It is a physical impossibility for us to give the consideration which Senators here are requesting every day to numerous bills embodying small claims; we can not do it, and there ought to be some means to provide for such matters. We are not surrendering a part of the jurisdiction; we are not granting the right to sue the Government. The bill merely provides an agency to determine the justice of claims and to report back to Congress. So I can not see that it has anything whatsoever to do with the matter to which the Senator refers. It will be a tremendous aid to the Committee on Claims. If I thought otherwise, I should certainly accede to the Senator's suggestion, but the bill relates to nothing which the subcommittees are to pass upon. This proposition would relieve the Committee on Claims so that we could more intelligently and energetically carry on our business.

Mr. KING. Mr. President, may I say to the Senator that I contemplated a rather larger field of investigation and duty than that indicated by the Senator from Colorado. In view of the fact that there are so many claims presented against the Government not only for torts upon the land but for torts at sea, and so many admiralty cases are presented where it is difficult to ascertain the facts, and no fact-finding commission has been established or other means provided in order to determine morally and legally the responsibility, if it shall be determined that the Government shall be sued, my understanding was that the facts could be found and this joint subcommittee might canvass the entire subject with a view to determining first, Shall we permit any suits against the Government? Second, if so, how shall we limit them? Thirdly, if we shall not permit suits against the Government, what steps shall we take for the purpose of ascertaining the facts in order to determine whether there is a moral liability so that the Government might, if it desired, through Congress make an adequate appropriation? That is the view that I had on the functions of that committee.

Mr. MEANS. Even if that were true, this proposition would not interfere with it at all.

Mr. KING. Yes. This amendment proposes to impose the duty upon the heads of the departments to make investigations where claims are made on the Treasury for less than $5,000, and if they find them just so to certify to Congress, and there is an implied obligation, then, for Congress to appropriate to pay them.

Mr. MEANS. It is a mere increase of the limit contained in the present law from $1,000 to $5,000. It does not change the law otherwise, but is identical with the law as it is now.

Mr. KING. I am not sure as to the present law. I hope, however, the Senator from Colorado will not object to this matter going over in order to give me an opportunity to look into it a little further.

Mr. MEANS. If the Senator has any doubt about the matter, I am willing that the bill shall go over. I hope, however, he will examine it, because on the next calendar day I shall ask that it be passed. I do not object to having the bill passed over until the next calendar day, when I hope it may be passed.

Mr. KING. In the meantime I think I can convince the Senator that the bill ought to go to the committee of which I have spoken.

Mr. MEANS. If the Senator desires, I shall let the bill go over to the next calendar day.

The VICE PRESIDENT. The bill will be passed over.

CONSTRUCTION OF PUBLIC BUILDINGS

The bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that bill go over.

Mr. FESS. Mr. President, the chairman of the Committee on Public Buildings and Grounds [Mr. FERNALD] has been ill for several days and is not now able to be in the Senate Chamber. He is exceedingly anxious, however, that we shall fix a day for the consideration of the bill, if possible, and I wish to call the attention of the steering committee to the fact that we should be glad to have some definite day fixed on which the bill may be considered. For to-day the bill will have to go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2158) for the relief of certain disbursing officers of the office of Superintendent State, War, and Navy Department buildings was announced as next in order.

Mr. ROBINSON of Arkansas. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 124) for the relief of the Davis Construction Co. was announced as next in order.

Mr. KING. Let us have an explanation of that bill, Mr. President.

Mr. WILLIS. I suggest that the bill be passed over temporarily without prejudice, since the Senator from New Hampshire [Mr. MOSES], who introduced it, is not in the Chamber at the moment.

The VICE PRESIDENT. The bill will be passed over without prejudice.

A. T. WHITWORTH

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 588) for the relief of A. T. Whitworth. It proposes to pay $73.50 to A. T. Whitworth for the loss of personal effects possessed by his son, Lester R. Whitworth, private, serial No. 3024-033, Medical Department, United States Army, upon his death in the service, and which personal effects passed into the custody of proper department of the Army for transmission to A. T. Whitworth.

The bill was reported to the Senate without amendment, ordered engrossed for a third reading, read the third time, and passed.

JAMES H. KELLY

The bill (S. 1058) for the relief of James H. Kelly was announced as next in order.

Mr. KING. Let that bill go over, Mr. President.

Mr. BINGHAM. Mr. President, I hope the Senator from Utah will withhold his objection for a moment.

Mr. KING. Is that a case of desertion?

Mr. BINGHAM. This is an extremely worthy case of a soldier who served his country for three years, from 1861 to 1864, without having anything against his record, and who on his second enlistment was on his way to the hospital when the war, as he thought, was over. It is a matter of fairness and justice to the soldier because of his record that the bill should be considered. He was detained in a hospital, due to an illness which overtook him on the road. It seems to me that if the Senator from Utah will look into the case, which was reported favorably during the last Congress by the then Senator from Massachusetts, Mr. Walsh, he will withdraw his objection.

This is not one of those cases of desertion by a man who served only a few days. This man, I repeat, served his country three years, and early in his second enlistment he was overtaken by illness; but due to a mix-up in the records, he has been carried apparently as a deserter since the end of the war.

Mr. KING. I will say to the Senator that there have been thousands of bills introduced here for real, genuine deserters to have their names put back upon the rolls. Of course there is always a provision that such legislation shall not carry any back pay, but immediately after they are put on the rolls they secure pensions of $50 a month apiece. I have discovered that a number of the bills which have been introduced reveal conditions something similar to those indicated by the Senator, namely, the soldiers claim that they were on their way home or on their way back again to the service after a furlough, or they were on their way to the hospital, and then their company moved and they could not find it. A thousand excuses are furnished now, three score years after the desertion, when, perhaps, it is difficult to ascertain all the facts. Those excuses are presented and it is urged that such soldiers be given a status which will entitle them to a pension of $50 a month.

Mr. BINGHAM. Mr. President, the War Department assures us that the soldier served his first three years during the period from 1861 to 1864 without any question at all; that the so-called desertion occurred in the last few months of the war and was due to his being detained in a hospital.

Mr. KING. I will withdraw the objection.

Mr. BINGHAM. I thank the Senator.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws James H. Kelly, late of Company C, Fifth Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a member of that regiment on the 6th day of June, 1864, but no back pay, bounty, pension, or allowance shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVIS CONSTRUCTION CO.

Mr. MOSES. Mr. President, I was absent from the Chamber a few moments ago, answering a telephone call, when Order of Business No. 37, being the bill (S. 124) for the relief of the Davis Construction Co., was reached and was passed over. I ask unanimous consent that we may recur to that bill.

The VICE PRESIDENT. The bill was passed over without prejudice. It may be called up now.

Mr. MOSES. It will be found, Mr. President, that this is a bill which has twice passed the Senate. I ask that it may be put upon its passage now.

Mr. KING. Will the Senator make an explanation of it?

Mr. MOSES. The bill grew out of a situation which arose during the period of the World War on account of the difficulty of securing building material. The contractor who built the post-office equipment shops in Washington was unable to fulfill his contract because of the difficulty in securing certain building material. This is a bill to reimburse him for the penalties then inflicted. It has twice passed the Senate, I will say to the Senator from Utah, and I think he and I had a similar colloquy in the Sixty-eighth Congress with reference to it.

Mr. ROBINSON of Arkansas. Do I understand the Senator to say that the bill has been considered heretofore?

Mr. MOSES. Yes.

Mr. ROBINSON of Arkansas. And that it has been passed by the Senate?

Mr. MOSES. It has twice been passed by the Senate.

Mr. ROBINSON of Arkansas. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed, under such regulations as he may prescribe, to receive fully itemized and verified claims and reimburse the Davis Construction Co., contractor for the Post Office Department Equipment Shops Building, erected at Fifth and W Streets NE., Washington, D. C., under the supervision of the Postmaster General, for losses due directly to increased costs due either, first, to increased cost of labor and materials, or, second, to delay on account of the action of the United States priority board or other governmental activities, or, third, to commandeering by the United States Government of plants or materials shown to the Secretary of the Treasury to have been sustained by it in the fulfillment of such contract by reason of war conditions alone. And the Secretary of the Treasury is hereby directed to submit from time to time estimates for appropriations to carry out the provisions of this act: *Provided*, That no claim for such reimbursement shall be paid unless filed with the Treasury Department within three months after the passage of this act: *And provided further*, That in no case shall the contractor be reimbursed to an extent greater than is sufficient to cover its actual increased cost in fulfilling its contract, exclusive of any and all profits to such contractor: *And provided further*, That the Secretary of the Treasury shall report to Congress at the beginning of each session thereof the amount of each expenditure and the facts on which the same is based.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others was announced as next in order.

Mr. SHEPPARD. That bill may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1828) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES WALL

The bill (S. 2083) for the relief of Charles Wall was announced as next in order.

Mr. KING. I ask that that bill may go over.

The VICE PRESIDENT. It will be passed over.

Mr. SHORTRIDGE. Mr. President, I hope my friend from Utah will not object to the immediate consideration of this bill. I deem it a very meritorious case. As the Senator will find, the report sets forth the facts which must appeal to us all. It does not ask for any appropriation for any back pay or allowances. The amendment to the bill provides—

that no back pay, allowances, or emoluments shall become due because of the passage of this act.

Directing attention to the report (S. Rept. No. 58) it will be observed that Charles Wall rendered great and valiant service to our country. The result of that patriotic service was a total disability.

Turning to page 2 of the report, I read from a letter signed by the then Secretary of the Navy, Josephus Daniels, in which he says:

SIR: The President of the United States takes pleasure in presenting the Navy cross to Lieut. Commander Charles Wall, United States Naval Reserve Force, for services during the World War, as set forth in the following citation:

"For distinguished service in the line of his profession in action with a German submarine on July 5, 1918, when in command of the U. S. S. *Lake Bridge*."

By reason of his disability he was relieved from duty. In 1921 he was authorized to appear before a board of medical survey, which reported him to be incapacitated for service by reason of disability incurred in line of duty. Prior to that time, however, his enrollment had expired. In June, 1922, he was authorized to be reenrolled, in order that he might be entitled to the benefits of retirement if found incapacitated for service by physical disability incurred in line of duty.

He was then found to be permanently incapacitated for active service by reason of disability incurred in line of duty. Mr. President, I think we should pass this bill.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

Mr. SHORTRIDGE. Yes.

Mr. KING. I have consistently objected to such bills for this reason: In the first place, this worthy man is getting the

same compensation as other persons receive who have incurred similar injuries from their service to their country. The fact is that during the war there are a number of persons who were introduced into the service who did valiant work and became officers who insist upon having the same privilege and the same status as Regular Army and Navy officers. We have thrashed that out repeatedly, and I have opposed legislation of that kind because I think it is injudicious, unwise, and unjust.

If it were necessary to put this man upon the retired list in order that he might receive compensation for his injuries a different question would be presented; but he is getting now all of the compensation that any man in the service during the World War has received for like injuries. I am unwilling to make fish of one and fowl of another or to yield in this case, because it would be violating the precedent which has been set. The Naval Affairs Committee, as the Senator will recall, reported a bill, which was on the statute books for a year, under which a number of temporary naval officers received retirement privileges, but that measure was discovered to be so unfair and so unjust that it was repealed. The Military Affairs Committee, against the protest of the Senator from New York [Mr. WADSWORTH] and the Senator from Wisconsin [Mr. LENROOT] and other able members of the committee twice reported a similar bill which, I regret to say, passed the Senate, but they never have passed the body at the other end of the Capitol. This is in line with that legislation, and so I shall feel constrained to object. It is a matter of principle, and not any hostility whatever to the man whom the Senator so ably represents here, because doubtless he has received injuries, and he is getting compensation. So I insist upon my objection.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SHORTRIDGE. Mr. President, I recognize the fact that under the rule the Senator of course may, as he does, object. Hereafter, however, I may take occasion to express my views in regard to this type of legislation.

JOHN CRONIN

The bill (S. 2085) to correct the naval record of John Cronin was announced as next in order.

Mr. KING. Mr. President, will the Senator explain that bill before I object?

Mr. SHORTRIDGE. Mr. President, the committee reports this bill favorably. The Senator will find that the report is somewhat elaborate, and yet, in a sense, brief. The proviso is that no back pension, allowance, or other emolument shall accrue prior to the passage of this act.

This bill proposes to grant to John Cronin an honorable discharge from the United States Navy, and thereby to relieve him of the disabilities carried by the dishonorable discharge now standing against his name and record. The facts in this case are set forth in the report.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

Mr. SHORTRIDGE. Yes.

Mr. KING. I find no report here from the Navy Department. Here is a man who was court-martialed and dishonorably discharged; and it does seem to me that we ought to have a report from the Navy Department.

Mr. SHORTRIDGE. As I anticipate an objection, I shall not take up the time of the Senate; but I happen to know that this is a case which I think must appeal to us all as being meritorious. If there ever was a case where a man should be relieved from a record of this kind, this is that case.

Mr. KING. I shall have to object.

The PRESIDENT pro tempore. The bill will be passed over.

BENJAMIN F. SPATES

The bill (S. 1767) for the relief of Benjamin F. Spates was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "some of," to strike out "$2,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin F. Spates, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 for a personal injury received by him on September 17, 1885, without fault or negligence on his part, while in the service of the United States Government performing labor at the Capitol.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. C. ERICSSON

The bill (S. 1456) authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson was announced as next in order.

Mr. KING. Mr. President, I ask the Senator from Colorado [Mr. MEANS] whether, under the action of his committee and the Committee on the Judiciary, this bill ought not to be withheld until that committee reports?

Mr. MEANS. Mr. President, all I can say in answer to that is that if we hold it up until we have a meeting of the two subcommittees and determine it we are really tying the hands of the Committee on Claims. We might just as well cease meeting, because we have so many of these matters, unless there is immediate action.

Mr. KING. The Senator knows that the committee has been at work.

Mr. MEANS. Oh, yes; I understand that the committee has determined to go into that matter; but I will say that if we are to stop all of these bills there will not be any passed at this session, because I do not think our subcommittee can agree when they get together, on some kind of a definite program.

Mr. KING. I think we ought to afford them an opportunity, and I shall object to the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (S. 575) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. WILLIS (and other Senators). Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLARA E. NICHOLS

The bill (S. 2096) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's office, War Department, Los Angeles, Calif., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND CONCURRENT RESOLUTION PASSED OVER

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals was announced as next in order.

SEVERAL SENATORS. Let that go over.

Mr. HEFLIN. Mr. President, I have no desire to take up time that Senators wish to use in getting action upon unobjected bills. I wish to give notice, however, that at 2 o'clock I shall make a motion to take up this measure for consideration.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2336) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties was announced as next in order.

The PRESIDENT pro tempore. This bill is reported adversely.

Mr. KING. I move that it be indefinitely postponed.

Mr. JONES of Washington. Mr. President, I do not know who was interested in having that bill go on the calendar. Usually when bills are reported adversely we indefinitely postpone them. There must be some Senator who is interested in this bill, and I suggest, therefore, that the Senator let the bill go over.

Mr. KING. Let it go over, then.

The PRESIDENT pro tempore. The bill will be passed over.

EMPLOYEES OF BUREAU OF PRINTING AND ENGRAVING

The bill (S. 2173) for the relief of employees of the Bureau of Printing and Engraving who were removed by Executive order of the President dated March 31, 1922, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the employees who were removed from the Bureau of Engraving and Printing by Executive order of the President dated March 31, 1922, the salaries they were receiving at the time of their removal until the date of their restoration to their former positions in the Bureau of Engraving and Printing, less any earnings they may have made by other employment during that time.

That the legal heirs of those who died after their removal shall receive a sum equivalent to their salaries from the time of their removal to the date of their death, less amount of earnings during that time.

That to those who were not restored to their employment a salary shall be paid equivalent to the one they were receiving at the date of their discharge by Executive order up to the 31st day of March, 1924, less any earnings they may have had by reason of other employment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

The bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park was announced as next in order.

Mr. JONES of Washington. Mr. President, I understood that that bill was to go back to the committee. I believe the Senator from Kansas expects to make a motion to that effect.

Mr. CAPPER. Mr. President, I move that this bill be recommitted to the Committee on the District of Columbia. I am making this motion at the suggestion of the Senator from Colorado [Mr. PHIPPS], the chairman of the subcommittee of the Committee on Appropriations on the District bill, who wishes further opportunity to discuss the bill with the District Committee.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

BILL PASSED OVER

The bill (S. 1544) to amend section 202 of the act of Congress approved March 4, 1923, known as the agricultural credits act of 1923, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DEATH OR INJURY WITHIN PLACES UNDER JURISDICTION OF THE UNITED STATES

The bill (S. 1040) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States was announced as next in order.

Mr. JONES of Washington. Mr. President, I do not know whether that is the matter over which we have been having considerable controversy or not.

The PRESIDENT pro tempore. Does the Senator refer to the bill relative to the taking of testimony? This is quite a different measure.

Mr. JONES of Washington. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That in the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, within the exterior boundaries of any State such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1885) for the relief of James Minon was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

HARRY P. CREEKMORE

The bill (S. 2178) for the relief of Harry P. Creekmore was announced as next in order.

Mr. KING. Mr. President, I will listen to an explanation of this bill by the Senator from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. President, I hope there will be no objection to the passage of this bill. Mr. Creekmore enlisted at the beginning of the so-called Spanish-American War, and saw active service in Cuba. After the active service there was over he deserted from the Navy and enlisted in the Army, and went to the Philippine Islands, and served two years. He was hunting up a war and found it. Then he tried to enlist in the last war.

I can not think that anybody would have any objection to this bill. This man has gotten into every war that he could get into and stayed as long as the fighting lasted.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Harry P. Creekmore shall hereafter be held and considered to have been honorably discharged from the service of the United States Marine Corps June 25, 1899: *Provided*, That no back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 7348) for the relief of Joseph F. Becker was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. KING. Let that go over.

Mr. HARRIS. Mr. President, do I understand that there is objection to the consideration of this bill?

Mr. KING. Yes; I made an objection.

The PRESIDENT pro tempore. The bill will be passed over.

BOARD OF PUBLIC WELFARE

The bill (S. 1430) to establish a board of public welfare in and for the District of Columbia to determine its functions and for other purposes was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this seems to be a very important measure. I notice that the bill is quite a lengthy one, and I think there should be some discussion and consideration of the measure. I should like to hear the Senator from Kansas explain the bill.

The PRESIDENT pro tempore. Does the Senator from Arkansas wish it to go over?

Mr. ROBINSON of Arkansas. No; I have not asked that it go over. I have asked for an explanation of it.

Mr. CAPPER. Mr. President, this is an important measure. The report covers it very fully. The bill is the result of more than two years' work upon the part of a commission of representative citizens appointed by the District Commissioners, known as the Public Welfare Commission. This commission has worked out a program to consolidate and coordinate the various welfare agencies of the District of Columbia. It has combined the three boards in one. The three boards are the Board of Charities, the Board of Children's Guardians, and the Board of Trustees of the National Training School for Girls. They are consolidated into one board, serving without pay. The plan is in line with the most approved methods employed in all the large cities of the country. The bill had very careful consideration by the Committee on the District of Columbia. It is undoubtedly a meritorious measure.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CAPPER. I do.

Mr. KING. May I ask the Senator from Kansas whether the objections which the Senator from Rhode Island [Mr. GERRY] had to the measure were abated?

Mr. CAPPER. I believe they were. They had very careful consideration. The chairman of the Public Welfare Commission, Justice Siddons, was in conference with the Senator from Rhode Island for a week or more on the objections raised by the Senator, and amendments are suggested in this report which I think are quite satisfactory to the Senator from Rhode Island.

Mr. KING. The Senator will recall that the Senator from Rhode Island desired to change entirely the mechanical parts—if I may use that expression—of the bill, and to commit the

duty of enforcing it to an entirely different organization from that contemplated. I was wondering if he was satisfied with this bill.

Mr. CAPPER. The amendments as reported do not go as far as the Senator from Rhode Island contemplated, in my judgment; but I think the changes found in the proposed amendments are in the main satisfactory to the Senator from Rhode Island.

Mr. KING. May I ask the Senator whether this bill—and I have not given it the attention which I should have done, because of the press of other work—imposes any additional burden upon the Government or upon the District?

Mr. CAPPER. It does not. In my opinion, it will reduce the cost of administering the welfare activities of the District of Columbia. It does not increase the pay roll of the District of Columbia at all.

Mr. KING. Mr. President, I shall not object, because this bill has so many meritorious features; but there is one matter which I think the Committee on the District of Columbia should take up immediately. I am told that there are more than 4,000 children in the District of Columbia who are under surveillance or control or who have been disposed of by the Board of Children's Guardians and the juvenile court. I saw in the paper the other day that a mother was arrested because she had sought an opportunity to visit one of her children who had been disposed of, and numerous complaints have come to me—perhaps hundreds—during the past two or three years, of injustices, as alleged, by the juvenile court and by the Board of Children's Guardians, in sending little children to places which have been found or finding homes for them, separating them from their families because of some little indiscretion or some little infantile trick which they had played.

I believe a great injustice is being done, not only in Washington but throughout the country, by many of the juvenile courts, by boards of children's guardians, and by many of the social welfare workers. They are railroading into the courts and into industrial homes and elsewhere many children who should not be sent there. I shall ask the committee immediately to consider what should have been considered in connection with this bill, the question of limiting the powers of the juvenile court and the Board of Children's Guardians in dealing with the multitude of cases to which I have referred.

Mr. CAPPER. I think the matter mentioned by the Senator from Utah is important, and I will be glad to cooperate with him, as a member of the committee, in considering it.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Florida?

Mr. CAPPER. I yield.

Mr. FLETCHER. I would like to inquire if the Senator's view *is that this* will consolidate activities which are already provided for, and for which we have been making appropriations, into one organization?

Mr. CAPPER. That is the purpose of the bill.

Mr. FLETCHER. The body is to be composed of nine members, and they are to serve without pay?

Mr. CAPPER. That is correct.

Mr. FLETCHER. Will they be authorized to engage a lot of employees, assistants, and that sort of thing, and add to the present expenditures, or will there be economies effected?

Mr. CAPPER. Undoubtedly this is a plan in the interest of economy and more efficient administration of the welfare activities of the city. I might add that the bill has the hearty approval of the District commissioners, and I think of *every welfare society and civic* association in the city of Washington. There has been no measure brought before the Committee on the District of Columbia that has been so generally approved as has this one.

Mr. FLETCHER. I seems to me a very good measure.

Mr. CAPPER. Undoubtedly it is.

The PRESIDENT pro tempore. The amendments proposed by the committee will be reported.

The amendments of the committee were, on page 4, lines 20 and 21, strike out the words "Home and Training School for the Feeble-Minded" and in lieu thereof insert the words "District Training School"; on page 7, line 10, after "(a)," to strike out down to and including the period in line 12, so that "(a)" will read:

The board may make temporary provision for the care of children pending investigation of their status.

On page 7, line 24, strike out the words "or last surviving parent"; on page 7, line 25, insert, after the word "children," the words:

Provided, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case.

On page 9, line 6, after the word "parents," to strike out the period, insert a colon and the words:

Provided, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case.

On page 9, line 9, to strike out the words "and after its passage" and the period and in lieu thereof insert the words and figures "and after July 1, 1926," so as to make the bill read:

Be it enacted, etc., That the Board of Charities of the District of Columbia, created by act of Congress June 6, 1900, the Board of Children's Guardians of the District of Columbia, created by act of Congress July 26, 1892, the board of trustees of the National Training School for Girls, created under the name of the Reform School for Girls, by act of Congress July 9, 1888, shall be abolished upon the appointment and organization of the board of public welfare, as hereinafter provided.

SEC. 2. That there is hereby created in and for the District of Columbia a board of public welfare, hereinafter called the board, which shall be the legal successor to the boards specified in section 1, and shall succeed to all of the powers, authority, and property and to all the duties and obligations heretofore vested in or imposed by law upon such boards. All employees of the boards specified in section 1 shall become the employees of the board for such time as their services may be deemed necessary, and the unexpended balance of all appropriations heretofore made for such boards, or to be disbursed by them, shall become available for the use and disbursement of the board.

SEC. 3. That the board shall consist of nine members who shall be appointed by the Commissioners of the District of Columbia for terms of six years: *Provided*, That the first appointments made under this act shall be for the following terms: Three persons shall be appointed for terms of two years; three persons shall be appointed for terms of four years; and three persons shall be appointed for terms of six years. Thereafter all appointments shall be for six years. No person shall be eligible for membership on the board who has not been a legal resident of the District of Columbia for at least three years. Any member of such board may be removed at any time for cause by the Commissioners of the District of Columbia. Appointments to the board shall be made without discrimination as to sex, color, religion, or political affiliation. The members of the board shall serve without compensation.

SEC. 4. That within 10 days after the appointment of its members the board shall meet and elect a chairman, vice chairman, and secretary, who shall severally discharge the duties usual to such offices and shall serve for terms of one year or until their successors are elected. The board shall hold not less than nine regular monthly meetings during each year. Special meetings may be held upon the call of the chairman, or, if he be absent or incapacitated, upon the call of the vice chairman, and also upon the call, in writing, of not less than three members. The board shall have authority to make all necessary rules, regulations, and administrative orders governing the organization of its work and the discharge of its duties as will promote efficiency of service and economy of operation.

SEC. 5. That the Commissioners of the District of Columbia, upon the nomination of the board, are hereby authorized to appoint a director of public welfare, which position is hereby authorized and created, who shall be the chief executive officer of the board and shall be charged, subject to its general supervision, with the executive and administrative duties provided for in this act. The director shall be a person of such training, experience, and capacity as will especially qualify him or her to discharge the duties of the office. The director of public welfare may be discharged by the Commissioners of the District of Columbia upon recommendation of the board. All other employees of the board shall be appointed and discharged in like manner as in the case of the director. The director of public welfare and other necessary employees shall receive compensation in accordance with the rates established by the classification act of 1923.

SEC. 6. That the board shall have complete and exclusive control and management of the following institutions of the District of Columbia: (a) The workhouse at Occoquan, in the State of Virginia; (b) the reformatory at Lorton, in the State of Virginia; (c) the Washington Asylum and Jail; (d) the National Training School for Girls, in the District of Columbia, and at Muirkirk, in the State of Maryland; (e) the Gallinger Municipal Hospital; (f) the Tuberculosis Hospital; (g) the Home for the Aged and Infirm; (h) the Municipal Lodging House; (i) the Industrial Home School; (j) the Industrial Home School for Colored Children; (k) the District Training School, in Anne Arundel County, in the State of Maryland.

SEC. 7. That the superintendents and all other employees now engaged in the operation of the institutions enumerated in section 6 shall

hereafter be subject to the supervision of the board. Each superintendent shall have the management and control of the institution to which he is appointed and shall be subordinate to the director of public welfare. The superintendent and all other employees of each of the institutions enumerated in section 6 shall be appointed by the Commissioners of the District of Columbia upon nomination by the board and shall be subject to discharge by the commissioners upon recommendation of the board.

SEC. 8. That the unexpended balance of all appropriations heretofore made for the institutions enumerated in section 6 shall be available for their use after the passage of this act in like manner as before, under the direction of the board.

SEC. 9. That it shall be the duty of the board to make such rules and regulations relating to the admission of persons to, and the administration of, the institutions hereinbefore referred to, as will promote discipline and good conduct of inmates and employees and efficiency and economy in the operation of these institutions. Under the authority herein granted, the board may prescribe forms of record keeping to secure accuracy and completeness in the registration of persons under care and the services rendered in their behalf. The board may recommend to the Comptroller General of the United States, and the Comptroller General may prescribe, so far as practicable, a uniform system of accounts to record receipts and disbursements and to determine comparative costs of operation.

SEC. 10. That the following powers and duties heretofore imposed by law upon the board of charities shall be vested in the board, and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) To provide for the transportation to their respective places of residence or nonresident indigent persons, and to provide for indigent persons, who are legal residents of the District of Columbia, medical care and treatment when necessary, under contracts with such hospitals as are or may be designated by law; (b) to provide for the transportation to their respective places of residence, of nonresident insane persons and to afford hospital care for indigent insane persons who are legal residents of the District of Columbia in such hospital or hospitals as are or may be designated by law; (c) to provide for the maintenance of boys committed by the courts of the District of Columbia to the National Training School for Boys under contracts which are or may be authorized by law; (d) to provide for all other aged, infirm, or needy persons, including women and children, in the manner heretofore authorized by law or by appropriations enacted by the Congress.

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Charities and such powers and duties are hereby vested in the board.

SEC. 11. That the following powers and duties heretofore imposed by law upon the Board of Children's Guardians shall be vested in the board and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) The board may make temporary provision for the care of children pending investigation of their status; (b) to have the care and legal guardianship of children who may be committed by courts of competent jurisdiction and to make such provision for their care and maintenance, either temporarily or permanently, in private homes or in public or private institutions, as the welfare of the child may require. The board shall cause all of its wards placed out under care to be visited as often as may be required to safeguard their welfare and when children are placed in family homes or private institutions, so far as practicable such homes or institutions shall be in control of persons of like faith with the parents of such children: *Provided*, That whenever the board shall for any reason place the child with any organiaztion, institution, or individual, other than of the same religious faith as that of the parents of the child, the board shall set forth the reason of such action in the record of the case; (c) to provide care and maintenance for feeble-minded children who may be received upon application or upon court commitment, in institutions equipped to receive them, within or without the District of Columbia.

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Children's Guardians, and such powers and duties are hereby vested in the board.

SEC. 12. That the duties heretofore imposed by law upon the board of trustees of the National Training School for Girls concerning the admission, care, parole, and discharge of inmates shall be vested in the board.

SEC. 13. That it shall be the duty of the board to prepare and submit to the Commissioners of the District of Columbia, in such manner as they shall require, an annual budget itemizing the appropriations necessary to the proper discharge of the duties imposed by law upon the board and for the support and maintenance of the institutions under its management. The board shall also submit to the commissioners an annual report of its activities and the work carried on under its direction, together with its recommendations for securing more efficient and humane care for all persons in need of public assistance. The board shall study from time to time the social and environmental conditions of the District of Columbia and shall incorporate in its reports the results thereof and recommendations designed to further safeguard the interests and well-being of the children of the District of Columbia and to diminish and ameliorate poverty and disease and to lessen crime. Except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religious faith as the parents: *Provided*, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case. Inmates of public institutions shall be given the fullest opportunity for the practice of their religion.

SEC. 14. The provisions of this act shall take effect on and after July 1, 1926.

SEC. 15. All acts or parts of acts inconsistent herewith are hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2849) to provide for an additional Federal district for North Carolina was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. BAYARD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such area, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. KING. Let that go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3031) for the relief of George Barrett, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1459) for the relief of Waller V. Gibson was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

JAMES A. HUGHES

The bill (H. R. 4576) for the relief of James A. Hughes was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. Mr. President, I hope the Senator from Utah will withhold his objection for a moment. This bill has passed the House. It relates to a man who became insane. He served in the Army for a great many years, I think for a period of about seven years, when he suddenly deserted. It was found afterwards that he was insane, and he was committed to the Matteawan State Hospital, in New York. I think the bill is a very worthy one. It is for the purpose of correcting this man's record, and I hope there will be no objection to it passage.

Mr. KING. If this man had not deserted, would he have been getting a pension, and if so, under what law?

Mr. COPELAND. I do not think he would have received a pension.

Mr. KING. Undoubtedly the purpose of this bill is to grant a pension.

Mr. COPELAND. Oh, no.

Mr. KING. It reads, "No pay, pension, or allowance shall be held to have accrued prior to the passage of this act." He came into the Army only in 1910.

Mr. COPELAND. He served his full time of three years, then he reenlisted, was assigned to the arsenal at Watervliet, and he deserted after having served three years of his second enlistment. Then it was that he was brought before examiners and committed to the Matteawan State Hospital. So his desertion was a thing which was beyond his control, because he was non compos.

Mr. KING. It is merely for the purpose of removing the stigma of desertion?

Mr. COPELAND. That is all.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James A. Hughes, One hundred and sixty-seventh Company, Coast Artillery Corps, shall hereafter be held and considered to have been honorably discharged from the military service of said company: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOMB OF THE UNKNOWN SOLDIER

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to complete the Tomb of the Unknown Soldier in the Arlington National Cemetery by the erection thereon of a suitable monument, together with such inclosure as may be deemed necessary, and a sum not to exceed $50,000 is hereby authorized to be appropriated for this purpose.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

USE OF TEMPORARY BUILDINGS BY RED CROSS

The joint resolution (S. J. Res. 55) to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172 in Washington, D. C., was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That authority be, and is hereby, given to the central committee of the American National Red Cross to continue the use of such temporary buildings as are now erected upon square No. 172 in the city of Washington for the use of the American Red Cross in connection with its work in cooperation with the Government of the United States until such time as hereafter may be designated by Congress: *Provided*, That the United States shall be put to no expense of any kind by reason of the exercise of the authority hereby conferred.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO SURVIVORS OF INDIAN WARS

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was announced as next in order.

Mr. KING. Mr. President, I am heartily in favor of this bill, but I understand there is an amendment to be offered broadening it, and I ask that it be temporarily laid aside.

The PRESIDENT pro tempore. The bill will go over.

TOMB OF THE UNKNOWN SOLDIER

Mr. FLETCHER. May I inquire what became of order of business 198 (S. J. Res. 51) relating to the Tomb of the Unknown Soldier?

The PRESIDENT pro tempore. The joint resolution was passed.

Mr. FLETCHER. I did not quite understand what action was taken.

The PRESIDENT pro tempore. Does the Senator wish to move for a reconsideration of the vote by which it was passed?

Mr. FLETCHER. I move for a reconsideration of the vote by which the joint resolution was passed. I can not understand what is needed to complete the monument. It seems to me that as it is now it is ideal.

The PRESIDENT pro tempore. Without objection, the Senate will reconsider the votes by which Senate Joint Resolution 51 was ordered to a third reading and passed.

Mr. WILLIS. Will not the Senator permit the matter to be passed by temporarily without prejudice, in the absence of my colleague?

Mr. FLETCHER. Let it be passed over for the present.

Mr. WILLIS. When my colleague returns we can take up the matter.

Mr. FLETCHER. It seems to me that if we made any change we would be spoiling the monument already there. It is perfect as it is, and now it is proposed to erect a shaft on it.

Mr. KING. Which would mar it and destroy its beauty.

Mr. FESS entered the Chamber.

The PRESIDENT pro tempore. The Chair will state for the benefit of the Senator from Ohio [Mr. FESS] that on motion of the Senator from Florida the votes of the Senate whereby Senate Joint Resolution 51 was ordered to a third reading and passed, was reconsidered, and that measure is now before the Senate.

Mr. FESS. Mr. President, I think every Senator and every Member of the House and every citizen of the United States wants to have the Tomb of the Unknown Soldier completed.

Mr. FLETCHER. What is the matter with it? It seems to me to be complete now.

Mr. FESS. Oh, no.

Mr. FLETCHER. I can not see that anything would be added by putting a shaft on top of it. I think its magnificence and its completeness would be destroyed.

Mr. FESS. I thought it was the general opinion of the country at large, especially as we read it from the dispatches criticizing the way in which we have left it, that there ought to be something done to complete it. It is not in a completed condition. The Commission of Fine Arts is to approve the plan that will be announced by the War Department. The War Department is anxious to have this done. I secured an estimate from the War Department as to the amount of money which would be required to put it in the shape in which they think it ought to be, and the estimate was about $50,000. Of course, it is to be done on the approval of the Fine Arts Commission. The criticism has been very hurtful to the country at large.

Mr. FLETCHER. I do not know what plans originally were designed with reference to this monument, but if it is in an incomplete state that fact is not perceptible to the ordinary layman. I am, of course, the last man to object to doing the right thing with respect to this monument and this grave. It is a holy shrine, and it ought to be preserved and maintained in a dignified, proper way and with proper marking and the proper monument, but it seems to me, just from my own impression about it—and I have been there a number of times—that it is complete as it is, and much more complete and much better without any shaft than with one.

Mr. FESS. The Senator will recall that the President called special attention to the importance of completing this memorial.

Mr. FLETCHER. Will the Senator tell us what he means by completing it? What is to be done? What is contemplated?

Mr. FESS. It has been thought that as it is now, it seems to be more or less a pedestal, unfinished, and that there is something yet to be erected upon it. As it is, it is used frequently by people who come within the vicinity as a place where they eat their lunches. Of course, that complaint could be lodged against the way it is being managed.

Mr. FLETCHER. That could happen to any monument which might be put there.

Mr. FESS. But the criticism in the press of the Capital City here has been very hurtful, to the effect that we seem to entirely neglect our duty in the erection of a proper memorial to the unknown soldier, so symbolic and representative. As I said, the President in his message called the attention of Congress to the necessity of completing the memorial. I took the matter up with the War Department, to see whether they had any plans, so that I could get at the amount of money required, and I have the recommendation of the War Department that $50,000 will take care of it. I again give the Senator the assurance that it will be erected on the approval of the Fine Arts Commission. I know nothing more that we can do.

Mr. FLETCHER. Has the Senator any illustrations of the design or plan?

Mr. FESS. No; none whatever.

Mr. FLETCHER. What is proposed to be done?

Mr. FESS. The Senator will understand that I have no interest whatever in any particular individual doing the work or in any particular model.

Mr. FLETCHER. I understand that. I do not think we ought to spoil a dignified, handsome memorial by trying to make it ornate.

Mr. FESS. I agree with the Senator, and I am sure that the Senator will agree that the War Department and the Fine Arts Commission will not spoil it.

Mr. KING. I am not sure about that.

Mr. FLETCHER. That might be. I would like to have some sort of indication as to what are their plans, what design is to be approved.

Mr. FESS. I can not state that. There has been no authority to select it or to solicit any plan. This is the only method by which we can proceed.

Mr. FLETCHER. But the Senator keeps talking about it as being incomplete. Incomplete in what respect?

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to his colleague?

Mr. FESS. I yield.

Mr. WILLIS. I have received inquiries by correspondence and personally about the very thing which my colleague has so clearly pointed out. They ask, "Why is it that the monument is left in this incomplete fashion?" They say, "Here is the foundation, but when is the monument going to be completed?"

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the bill will go to the calendar.

CALL OF THE ROLL

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Reed, Pa.
Bayard	Fess	McKinley	Robinson, Ark.
Bingham	Fletcher	McLean	Robinson, Ind.
Blease	Frazier	McMaster	Sackett
Borah	George	McNary	Sheppard
Bratton	Glass	Mayfield	Smith
Brookhart	Goff	Means	Smoot
Broussard	Gooding	Metcalf	Stanfield
Bruce	Hale	Moses	Stephens
Cameron	Harreld	Neely	Swanson
Capper	Harris	Norbeck	Tyson
Caraway	Heflin	Norris	Walsh
Copeland	Howell	Nye	Watson
Couzens	Johnson	Oddie	Weller
Cummins	Jones, Wash.	Overman	Wheeler
Curtis	Kendrick	Pepper	Williams
Deneen	Keyes	Phipps	Willis
Dill	King	Pine	
Edwards	La Follette	Pittman	

Mr. JONES of Washington. I was requested to announce that the Senator from Maine [Mr. FERNALD], the Senator from Minnesota [Mr. SCHALL], and the Senator from Massachusetts [Mr. BUTLER] are detained from the Senate because of illness.

Mr. LA FOLLETTE. The senior Senator from Minnesota [Mr. SHIPSTEAD] is confined to his home on account of illness.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I will let this announcement stand for the day.

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD] is absent on account of illness.

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present.

MUSCLE SHOALS

Mr. HEFLIN. Mr. President, I move that the Senate proceed to the consideration of the concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution (H. Con. Res. 4) reported by Mr. HEFLIN from the Committee on Agriculture and Forestry without amendment, as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint committee, to be known as the Joint Committee on Muscle Shoals, is hereby established, to be composed of three members to be appointed by the President of the Senate from the Committee on Agriculture and Forestry and three members to be appointed by the Speaker of the House of Representatives from the Committee on Military Affairs.

The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, in order to serve national defense, agriculture, and industrial purposes, and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect, which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI: *Provided*, That the committee shall report to Congress not later than April 1, 1926.

Passed the House of Representatives January 5, 1926.

Mr. GOODING. Mr. President, I desire to give notice that when the pending concurrent resolution is disposed of I shall ask the Senate to take up for consideration Senate bill 575, known as the long and short haul bill.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President, I suggest to the Senator from Alabama that I desire to make a point of order against the concurrent resolution which will dispose of it if sustained, and I would prefer to do so at the beginning so as not to delay matters any more than possible. If the Senator will yield to me for that purpose, I will make my point of order now.

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I make the point of order against House Concurrent Resolution No. 4 that it undertakes to amend a permanent statute of the United States, although it is only a concurrent resolution; in other words, it attempts to legislate, which is not possible to be done by means of a concurrent resolution.

In order that the Chair may understand the point fully, I ask his indulgence for a few moments while I call attention to the resolution and existing law. It will be observed that the resolution does not and never has pretended to be anything other than a concurrent resolution. A concurrent resolution does not have to receive the approval or the disapproval of the President of the United States. It is only one degree better than a Senate resolution. We can not enact a law by means of a Senate resolution. We can not enact a law by means of a concurrent resolution. Neither can we repeal a law by a Senate resolution or by a concurrent resolution. As I shall show, the only thing that the concurrent resolution provides for is contained in the following language, with reference to the committee contemplated, which is to be composed of three Members of the House and three Members of the Senate:

The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, in order to serve national defense, agriculture, and industrial purposes, and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

By a concurrent resolution we here fix the duty of the committee to negotiate for a lease of the properties of the United States at Muscle Shoals. The act making further and more effectual provision for the national defense, and for other purposes, an act of Congress approved June 3, 1916, among other things, provided for the building of the dam and all the other governmental activities at Muscle Shoals. No one will controvert that statement. The authority for everything we have done at Muscle Shoals is contained in that act. A part of section 124, on page 57 of the act, reads as follows:

The plant or plants—

Which is just what the committee is going to negotiate about—

provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

That is the law. That is the only law on the subject on the statute books of the United States, a provision specifically providing, in effect, that no lease shall be made, that the plant or plants shall be operated solely by the Government, and shall not be operated in conjunction with any industry or enterprise and shall not be carried on by any private capital.

House Concurrent Resolution No. 4, now before the Senate, violates that law. I concede that the law can be amended, but all of the measures that we have had heretofore about Muscle Shoals were bills or joint resolutions. A joint resolution has the same effect as a bill. When passed it requires the approval of the President of the United States. But the only object of House Concurrent Resolution No. 4 is to authorize and direct a committee to enter into negotiations for the leasing of Muscle Shoals. That is a direct violation of law. It can not legally be done by a concurrent resolution. If it were a joint resolution it would be perfectly proper, because it would then have to receive the approval of the President before it could become a law. In other words, we are undertaking to enact here in effect an amendment to a law of the United States by means of a concurrent resolution.

Mr. SWANSON. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. SWANSON. Am I to understand the Senator to contend that the passage of the concurrent resolution would repeal the act which he read?

Mr. NORRIS. In effect it would.

Mr. SWANSON. I do not think it would do so.

Mr. NORRIS. It would not, of course, because we can not legally do it in that way.

Mr. SWANSON. It seems to me the only effect of the concurrent resolution would be to appoint a joint committee of the Senate and House to conduct negotiations to see what bids they can obtain. After ascertaining the bids that can be obtained, the matter comes back to the House and Senate for action. If the purpose is simply to provide for the appointment of a committee to ascertain the facts and take bids and conduct negotiations and report back to the House and Senate, it ought not to be done by a joint resolution but by a concurrent resolution.

Mr. NORRIS. The law distinctly provides that this property shall not be operated by private parties, not even in conjunction with the Government, while the resolution provides that it shall be.

Mr. SWANSON. No; it does not. The resolution provides that negotiations shall be conducted and a report submitted to Congress.

Mr. NORRIS. Exactly. But making a report has nothing to do with it; that does not affect it in any way. The committee can report, although it is not made compulsory that they shall do so. The resolution says they shall have leave to report.

Mr. SWANSON. Let me ask this question: Could not a committee of the Senate report and recommend the passage of a bill that would be contrary to that act?

Mr. NORRIS. A committee of the Senate could not accept bids for the disposition of governmental property where the law provides that nothing of that kind shall ever be done.

Mr. SWANSON. But a committee could be authorized to conduct negotiations and to report to the Senate, and let Congress change the law. If that had the effect, which the Senator indicates, the effect of finality without further action, it would have to be done by joint resolution, but it seems to me this simply creates a joint committee to ascertain certain things for the Senate, to conduct negotiations and report back to the Senate, and then the Senate, on the information obtained, may act.

Mr. NORRIS. That is not what the concurrent resolution provides. The concurrent resolution reads:

> The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals.

Mr. SWANSON. Mr. President——

Mr. NORRIS. Let me first answer the Senator's question before he asks another one. It is made the duty of the committee to negotiate a lease, and the negotiation of a lease would be a violation of an existing statute of the United States.

Mr. SWANSON. Let me say to the Senator that the resolution does not authorize the committee to make a lease. If we authorized the committee to act, to make a lease, to consummate a lease it would be changing the law; but it is merely proposed to authorize the committee to negotiate and get the facts. A joint committee to report back to Congress may be created by a concurrent resolution.

Mr. NORRIS. If this were a resolution that authorized even a committee of the Senate to look into the question as to what the law is and to recommend whether or not it should be changed or something of that kind, it would be a different proposition; but this resolution provides that the committee shall negotiate a lease, and that would violate the statutes of the United States.

Mr. SWANSON. The resolution provides that the committee shall report back to the Senate.

Mr. NORRIS. The fact that the committee has to report to the Senate makes no difference.

Mr. SWANSON. The lease would have to be consummated afterwards.

Mr. NORRIS. The fact that it has to be approved afterwards does not cure the illegality of it. If the committee can legally negotiate a lease, it can be legally approved.

Mr. CARAWAY. May I ask the Senator from Nebraska a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. CARAWAY. It is not the Senator's understanding of the resolution, is it, that the committee could actually conclude a lease? It could enter into negotiations and ascertain whether or not a satisfactory lease could be entered into, and then Congress could authorize entering into that contract?

Mr. NORRIS. Yes; Congress will pass on the lease. Congress will do that, it is true, under the terms of the resolution.

Mr. CARAWAY. And under the terms of the resolution all the committee would do would be to ascertain whether or not a satisfactory lease could be entered into and report that fact to Congress. If Congress saw fit to accept the lease, then appropriate legislation would follow.

Mr. NORRIS. That is not quite right.

Mr. CARAWAY. That is exactly what it is.

Mr. NORRIS. The Senator from Arkansas does not state it exactly when he says that the committee will see whether or not a lease can be obtained. It is the duty of the committee to negotiate a lease.

Mr. CARAWAY. What does that mean?

Mr. NORRIS. That will mean to do something that the laws of the United States provide shall not be done, and it will remain unlawful until the law is amended or repealed or changed by a statute and not by a concurrent resolution.

Mr. CARAWAY. Does the Senator understand that the word "negotiate" in that connection means to conclude a lease or merely to enter into negotiations looking toward a satisfactory arrangement, which everybody would understand would have to be ratified by an act of Congress?

Mr. NORRIS. It means the conclusion of the negotiations.

Mr. CARAWAY. Oh, no.

Mr. NORRIS. Yes; it does.

Mr. CARAWAY. To negotiate does not mean to conclude a matter.

Mr. NORRIS. Let me explain my view of it. Suppose the resolution did not go any further than the Senator has intimated; that it merely means that the committee shall ascertain whether or not a lease can be made, and then the committee report back and state, "We think a lease can be made." Then Congress would pass on the question as to whether or not the lease could be made.

Mr. CARAWAY. Congress would have to pass a law.

Mr. NORRIS. But it would not have anything to pass on. When the committee comes back here, if the resolution is carried into legal effect, it is going to have a definite lease ready for the approval of Congress; in other words, it will have made a negotiation, it will have drawn a lease with some bidder who is willing to accept the lease, and the committee will report back here for approval. All it will need will be the approval of the Congress to make it legal.

Mr. CARAWAY. Let me ask the Senator a question. Very frequently agents go out to negotiate contracts subject to the approval of their principals?

Mr. NORRIS. Yes.

Mr. CARAWAY. Whoever negotiates a lease will understand that he can only have a lease provided Congress will ratify the act of the committee?

Mr. NORRIS. Yes.

Mr. CARAWAY. The action of the committee is merely the ascertainment of whether or not a suitable lessee may be found.

Mr. NORRIS. No; it is more than that.

Mr. CARAWAY. That is all it is.

Mr. NORRIS. It is the negotiation of a lease itself. Otherwise, there will be nothing for Congress to approve when the committee comes back.

Mr. CARAWAY. Is it the Senator's understanding that "to negotiate" means "to conclude"?

Mr. NORRIS. It will in this case in every respect, except it will have to have the approval of Congress afterwards.

Mr. CARAWAY. Except it will have to have the approval of the principal.

Mr. NORRIS. Yes, sir; but if this resolution shall be passed, and the committee does its duty, it will come back to the Senate and to the other House with a definite lease with some definite person.

Mr. CARAWAY. It will come to the House and the Senate with the proposition which has been negotiated with somebody, and then the Senate and House of Representatives will have to accept or reject it, just as any other agent who goes out to ascertain whether his principal can do business with a certain other individual acts subject to the approval of his principal.

Mr. NORRIS. Yes.

Mr. CARAWAY. There can be no doubt about Congress having power to do that, first appointing a committee for that purpose.

Mr. NORRIS. Ordinarily that would be true; but in this case it is directly in the face of a statute of the United States which provides that they shall not do it. Until we change that law, until the authority that has the right to repeal or modify the law has taken action, that law must be respected.

Mr. CARAWAY. Let me ask the Senator another question. If the Senator's contention be correct, then a law once having

been enacted can never be modified, for nobody can take any action looking to its modification, because it would be against the law.

Mr. NORRIS. Not at all.

Mr. CARAWAY. That is exactly what it amounts to.

Mr. NORRIS. No; not for a moment. The contention of the Senator and those who disagree with me, I think, is that this committee is only to be appointed for the ascertainment of the question whether or not we can get a lease. That is not all there is to it. Under ordinary circumstances, if there were no law to the contrary they could go even further; but, in the first place, we have a statute which says it shall not be done, and, in the next place, the committee is directed by the resolution to go further than to ascertain whether a lease can be made; they are to make one, although every step they may take in that direction will be a violation of law.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. PITTMAN. I think the whole matter involves the legal interpretation of the word "negotiate.' If the word "negotiate" means that they shall perform a legal act, then they have no authority under the concurrent resolution to perform a legal act; but if the definition of the word "negotiate" means that the commission is authorized and directed to "receive and discuss," then it is within the jurisdiction of the two bodies, is it not? In other words, suppose the resolution were amended to read:

The committee is authorized and directed to receive and discuss proposals for relief——

Mr. NORRIS. I would not consider that to be legal. However, that is not before us; the question involved in that suggestion is different from the question which is involved here. The committee is authorized and directed to conduct negotiations for a lease of these properties; and the law says that shall not be done.

Mr. SWANSON. It does not say that there shall not be negotiations.

Mr. ROBINSON of Arkansas. Mr. President, does the law say that Congress shall not legislate upon the subject and shall not obtain information in aid of its right to legislate?

Mr. NORRIS. No.

Mr. ROBINSON of Arkansas. The Congress has not denied itself that right.

Mr. NORRIS. Let me answer the first question before the Senator states another one. We will get along better if I may answer one question at a time. The law does not say that nothing of this kind shall be done; the law is not sacred; I am not claiming that; the law does not say anything of the kind; the law is no more sacred than any other statute; but it is perfectly apparent, it seems to me, that when it is desired to change a law it must be done by authority of the body or bodies or instrumentalities of government that enacted the law, and that includes the President of the United States. The concurrent resolution leaves him out and lacks one step of what would be necessary to make a law.

Mr. ROBINSON of Arkansas. Mr. President, in ruling upon the point of order, the Chair would construe the resolution as a whole. The resolution, as a whole, can not be held to be a legislative act. It does not in any wise modify or repeal the statute referred to by the Senator from Nebraska. It merely authorizes as the agents of the Senate and House a joint committee, which is proposed to be created by the concurrent resolution, to enter into negotiations for the lease of this property, and it requires the joint committee to report back their findings to the Congress for its action. It is perfectly apparent that the proposed joint committee has no function save to receive a bid or bids and report the same to the Senate with its conclusions respecting the subject. The definition of the word "negotiate" is—

To treat with another or others; to arrange for; to bring about by mutual arrangement or discussion.

The mutual discussion of the proposed lease, the receipt of information touching it, the submission of that information to the two Houses of Congress is in aid of the power to legislate, but it is not legislation.

I can prove that, I believe, even to the satisfaction of my good friend from Nebraska by an illustration which is pertinent. Suppose the joint committee shall be created and shall negotiate for a bid or bids, for a lease or leases, and, in compliance with the direction of the resolution, shall report to the House of Representatives and to the Senate, and neither body acts upon its report, is there anyone here will contend that the existing law, whatever it may be, has been in any particular changed?

The matter is so clear to me that it is rather difficult to argue. In order to repeal the law some action must be had, not by one House of Congress, but by both Houses of Congress and by the President, after the committee shall have performed its function.

The primary purpose of the concurrent resolution is to create a joint committee to receive bids. The committee is required to report to the Congress whatever it finds and whatever bids it receives; and there is not a single element of legislation involved in the powers of the committee. The law will not be changed in any particular after the committee has performed its function. No provision of the statute is repealed when this concurrent resolution is agreed to, if it be agreed to.

The purpose of the concurrent resolution is to create a joint committee to act as the agent of the two Houses of Congress to ascertain whether a desirable bid or bids can be made for the leasing of this property; and therefore I think that the point of order is not well taken.

Mr. SWANSON. Mr. President, it seems to me that the very form in which the resolution is written, as a concurrent resolution, ought to be conclusive. A concurrent resolution can not repeal an act of Congress—the very point on which the Senator makes his point of order—and being concurrent it shows that those who drafted it, the House of Representatives, and everybody that supports it, treats this as a joint committee, with no intention or purpose to repeal any act of Congress. The very fact that it is a concurrent resolution, and the language employed, seems to me to be conclusive that it appoints a committee simply to get offers for this plant and to gather such information as it can to report back to the Congress.

Mr. HEFLIN. Mr. President, on December 8, 1826, during the nineteenth Congress, in the Precedents I find this case:

A message from the House of Representatives announced that they have passed the resolution for the appointment of a joint library committee—

Mr. NORRIS. Will the Senator give the page?

Mr. HEFLIN. Page 473—

and have appointed a committee, accordingly, on their part; in which they request the concurrence of the Senate.

The said resolution having been read,

The Vice President (John C. Calhoun) stated to the Senate that he entertained doubts whether the last clause of the seventh section of the first article of the Constitution of the United States and the twenty-fifth rule for conducting business in the Senate do not require that this resolution should be treated in all respects as a subject to be laid before the President of the United States for his approval; and that, with a view to a more correct decision, he would call for the sense of the Senate on the question, "Does this resolution require three readings?"; which was accordingly put and determined in the negative.

(NOTE: In an elaborate report, No. 1335 (54th Cong. 2d sess.), made by Mr. David B. Hill, of New York, on behalf of the Judiciary Committee, he said: "'Whether concurrent resolutions are required to be submitted to the President of the United States' must depend, not upon their mere form, but upon the fact whether they contain matter which is properly to be regarded as legislative in its character and effect. If they do, they must be presented for his approval; otherwise they need not be." In other words, we hold that the clause in the Constitution which declares that every order, resolution, or vote must be presented to the President to "which the concurrence of the Senate and House of Representatives may be necessary" refers to the necessity occasioned by the requirement of the other provisions of the Constitution, whereby every exercise of "legislative powers" involves the concurrence of the two Houses; and every resolution not so requiring such concurrent action, to wit, not involving the exercise of legislative powers, need not be presented to the President.

Mr. President, I simply want to call this thought to the attention of the Chair and of the Senate:

This concurrent resolution does not and can not repeal the present statute referred to by the Senator from Nebraska. It does not undertake to repeal this statute. As the Senator from Arkansas and the Senator from Virginia have said, it simply creates a commission to act for Congress. It does not require the action of the President, his approval or disapproval. This commission goes out, invites bids, and is compelled under this concurrent resolution to report its findings back to the Congress. As the junior Senator from Texas [Mr. MAYFIELD] says, that is all that it can do. It has no authority to lease. It can not accept anybody's bid. It is not certain legislation in the true sense.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Texas.

Mr. MAYFIELD. I desire to direct the Senator's attention to the wording on page 2, line 6. After the committee has filed its report, findings, and recommendations, in order to carry

those recommendations into effect, a bill or joint resolution must be offered for that purpose.

Mr. HEFLIN. I thank the Senator for his suggestion.

That is the status of this case, Mr. President. After this commission goes out, acting for the Congress, and receives bids, it must under the authority granted by the resolution report those bids back, and then Congress will accept or reject the bids. If Congress does accept any bid, that action will, of course, repeal this statute, and there will be no question about that. It will have to be repealed, or the Senate is going to commit itself to a socialistic program for putting the Government into competition with private enterprise in this country. I repeat, if a bid is accepted and Congress does indorse and approve a lease, that act itself repeals this statute. The concurrent resolution can not do so. It does not attempt to do so.

Now, I want to ask a question of the Senator from Nebraska, who says that this concurrent resolution in effect repeals the statute: Suppose this commission should be appointed, should make its investigation, should not receive a bid, and should not even report back to Congress, would the statute referred to by the Senator be repealed or in any way affected?

Mr. FESS. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. FESS. Suppose that they do report with a recommendation and the House and Senate pay no attention to it?

Mr. HEFLIN. Then the statute would remain unrepealed.

Mr. President, it is perfectly plain to me that this concurrent resolution is in order. It was prepared largely by the minority leader in the House, Mr. GARRETT of Tennessee, who is one of the best parliamentarians in the country, and Mr. SNELL, of New York, and they knew exactly what they were doing. The resolution is in proper form and is in order. It gives no authority to the commission to lease Muscle Shoals. It does not provide for the expenditure of the Government's money. It simply provides for a commission to act for Congress in obtaining bids and reporting them to Congress.

Mr. McKELLAR. Mr. President, I should like to call attention to section 124 of the act of 1916, under which the plant at Muscle Shoals was built:

> The President of the United States is hereby authorized and empowered to make or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

I call attention especially to this:

> The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.
>
> The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.
>
> The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.
>
> The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.
>
> The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. McKELLAR. Just one moment.

The President of the United States, under the authority of that act, manifestly would not have the power to make a lease—even to make it and submit it to Congress—such as has been provided here. That is the test. This provides for a lease—what for? To make it the basis of a legislative act.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. I yield.

Mr. CARAWAY. Does the Senator from Tennessee undertake to say that this committee could actually enter into a binding lease under this concurrent resolution?

Mr. McKELLAR. Oh, no; but what it does is to ask for bids on behalf of the Government in contravention of this law, and when those bids are received it reports them back, and they become the basis of further legislation, and this act becomes a part of the proposed legislation. It is all part and parcel of one matter. One is a concurrent resolution, and the other is an act of the legislature. They both ought to be acts of the legislature.

I have no doubt that this act was conceived by those who had forgotten about the original act which created this plant.

Mr. CARAWAY. Mr. President, the President may negotiate a treaty, but it never becomes a treaty until the Senate shall ratify it.

Mr. McKELLAR. Of course not, and he is authorized to negotiate it; but the President is not authorized under this concurrent resolution to negotiate.

Mr. CARAWAY. Nobody is asking him to negotiate; but the Senate and House say: "We wish a joint committee to investigate a subject to see whether or not legislation would be wise." Is it seriously contended by the Senator from Tennessee that that can not be done?

Mr. McKELLAR. This provides the actual terms under which the lease shall be made, namely——

Mr. CARAWAY. No——

Mr. McKELLAR. Oh, yes; the committee is by this resolution confined to a bill that has been before the Congress before, and it can only report a lease that is "equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session."

Mr. CARAWAY. Let me ask another question.

Mr. McKELLAR. I yield.

Mr. CARAWAY. The committee is told that it may go on and ascertain whether or not it can make a lease more favorable than that; and if so, to report that fact back to Congress, and Congress then may by appropriate legislation accept or reject it. If the Senator's position be sound, then there is no power in the Senate or in the House to appoint a committee to study legislation and report its conclusions back to the Senate or the House. This provides only for a report. The committee is not told to make a lease. It can not make a lease. It is told to negotiate and ascertain whether or not a satisfactory lease could be had; and if so, to do what? To make it? No; to report that fact.

Mr. McKELLAR. But, Mr. President, this committee would have no power to make any other kind of lease than the one that is provided for here. It is confined to this particular method of handling the matter. It is confined to this particular method of violating the terms of the act of 1916.

Mr. CARAWAY. Let me ask another question.

Mr. McKELLAR. I am willing to answer the question, but I hope the Senator will not take all my time.

Mr. CARAWAY. The Senator's time has lasted for six years, and I do not think anybody is trying to infringe on it.

Mr. McKELLAR. I hope they never will.

Mr. CARAWAY. Is it the Senator's contention that the Senate could not appoint a committee with limited powers, and tell the committee what it wanted it to find out? Every special committee that is ever appointed has exactly that condition attached to its appointment, that it must ascertain the facts, and this committee is to ascertain whether they can make a better lease than the one mentioned.

Mr. McKELLAR. It is my contention that whenever this report comes in with a lease based upon this resolution, the lease will become a part and parcel of whatever legislation is passed. It is an attempted violation of the law of 1916. This is my view.

M HEFLIN. Mr. President——

Mr. McKELLAR. I yield the floor.

Mr. HEFLIN. I wanted to interrupt the Senator to say this. He read from the statute at some length, telling what the President could do and should do. The President, in the face of that statute, undertook to lease Muscle Shoals in 1921,

through his Secretary of War. Mr. Weeks, the Secretary of War at that time, asked for bids from private citizens. Under the contention of the Senator from Tennessee, he was violating that statute then, because the statute provided that "it shall not be used as a private enterprise," or words to that effect, and they were asking for bids from private parties.

Mr. McKELLAR. Oh, no, Mr. President, just one moment. The Senator does not want——

Mr. HEFLIN. The Senator did not yield to me until he was through, and I want to speak briefly on the resolution.

Mr. McKELLAR. Very well. I will answer the Senator later.

Mr. HEFLIN. The point the Senator from Nebraska has raised is no new thing. The Senator who first raised the point, and who is entitled to the credit for it, is the Senator from South Carolina [Mr. SMITH]. He raised it in the committee on Agriculture when that committee was considering this resolution, and in the face of that point being raised, the committee reported this resolution out by a vote of 11 to 5. There is nothing in the contention of the Senator from Tennessee. This resolution does not carry authority to make a lease. It simply authorizes the committee, as I said before, to act for the Congress. This resolution as it stands has the approval of the President of the United States.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. HEFLIN. I yield.

Mr. BLEASE. Would the Senator object to striking out, on line 5 of the resolution, the words "shall have leave to," and to insert the words "shall report"? We should not provide that they shall "have leave to," but should provide that they "shall report."

Mr. HEFLIN. I would not object, but I fear that if the resolution is amended, it will not get through at this session of Congress.

Mr. BLEASE. Then I submit that whatever that committee would do would bind, would practically become a law, as the Senator from Nebraska has said, just as if it were submitted to the President and he signed it. As the resolution reads, all the Senate or the House could do would be to approve what the committee did. If we strike out the words I have suggested and provide that they shall report merely, then we will have some discretion in the matter. Otherwise we will not.

Mr. HEFLIN. Will the Senator from South Carolina permit me to make this statement? This committee must report back 30 days from to-day, not later than the 1st of April. Congress will adjourn in probably 10 weeks from now, and we must get action at once or leave the matter up in the air until December. That is why I insist that the resolution pass as it is, without amendment.

Mr. McKELLAR. Just one word. The Senator from Alabama talks about the contract that was entered into by the Secretary of War in 1921 for the steam power at Muscle Shoals. Of course, he had the direct power, under this act, to make such a contract. It provides that the surplus power shall be disposed of by him under such regulations as he may make. Of course, there is nothing in the proposition in the slightest. It does not violate the act in any way.

Mr. NORRIS. Mr. President, I will not detain the Chair long. I want simply to call attention to the fact that nearly every argument made in opposition to the point of order I have raised is that this concurrent resolution will not change any law. Nobody contends that it will. That is the point I make; we can not change law by a concurrent resolution. Yet the thing this committee is instructed by the concurrent resolution to do is a violation of law. The Senator from Alabama undertakes to make some capital by saying that this point of order was made in the committee. I do not understand what other object he would have in making the statement. The Senator from Alabama is entirely mistaken.

Mr. HEFLIN. Oh, no——

Mr. NORRIS. Let me finish. No point of order was ever made in the committee against this resolution by anyone.

Mr. HEFLIN. This point was raised by the Senator from South Carolina, who will bear me out in the statement.

Mr. SMITH. No, Mr. President; I think the Senator from Alabama is mistaken about the point of order being raised. I called attention to the fact that the law as it now stands prohibits interference with, by outside private parties, or participation in any of the business carried on or manufactures or projects down at Muscle Shoals. The point I made before the committee was that as the law now stood it recognized that for which we all had been contending, that this was a project of the Government to produce nitrates for the purpose of defense, and, incidentally, during a stand-by time, in times of peace, for the benefit of agriculture; that we were attempting to reverse the whole course and put the defense of the country, as well as the hope of agriculture, into the hands of a great power monopoly. That is what this resolution is now attempting to do.

Mr. HEFLIN. The Senator from South Carolina has borne out my statement. The hearings will disclose that I am correct. The Senator said the resolution would not be lawful because there was a statute directly against it, and that he was going to call attention to it on the floor of the Senate.

Mr. NORRIS. The Senator is absolutely wrong; although it is quite immaterial. Even if it had happened just as the Senator from Alabama has stated, it would not be material now, unless he wanted to influence the Chair by giving the Chair to understand that the committee had considered this point. I state now that the Senator from South Carolina [Mr. SMITH], who the Senator from Alabama says made the point of order in the committee, never made such a point of order; it never was made; it never was suggested. The law itself was cited by the Senator from South Carolina, showing that it was the intention of Congress, when it provided for the building of this project, that it should be a governmental affair; and Congress was so jealous in regard to it that they expressly stipulated in the law that it should always remain a governmental institution.

I mention that only because I do not want the Chair or the Senate to get the idea that the point of order was ever raised before. It never was.

Mr. SMITH. Mr. President, if the Senator will allow me, as I am the one cited as having called attention to the matter by a point of order, I want to say that I had no such intention before the committee. What I was attempting to show the committee was that we had advanced in the project at Muscle Shoals to the point where we have arrived now, just at the dawn of the possibilities there, and we wanted to reverse an express policy——

Mr. NORRIS. That is the point, exactly.

Mr. SMITH. Which was the basis upon which the whole project was formulated. We had taken the people's money under certain pretenses, and now that we had it were attempting to deceive them by passing another act.

Mr. HEFLIN. Did not the Senator from South Carolina refer to this statute?

Mr. SMITH. I referred to it.

Mr. NORRIS. The statute was read. It appears in the hearings twice.

Mr. HEFLIN. The Senator from South Carolina has agreed with me that the question was raised in the committee.

Mr. NORRIS. The Senator can have that satisfaction. But I say, and the Senator from South Carolina says, and the printed records of the committee will bear us both out, that the point of order was not raised, was never considered in the committee, not for a moment.

Mr. SMITH. We considered simply the policy of the Government.

Mr. NORRIS. Exactly; that and nothing else.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. In reference to the policy of the Government, it just happens that the Senator from Nebraska was in the Senate at the time, and I was a Member of the House, a member of the Military Affairs Committee, and I introduced the original amendment in that committee for the appropriation of $20,000,000, just as it appears in this act. There would have been no possibility of ever getting such a provision through the House if it had been in the remotest way conceived or imagined that the project would ever be turned over to private interests.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Certainly.

Mr. CARAWAY. Then why was the Senator for Henry Ford's bill.

Mr. McKELLAR. That was a proposed law which would defeat this law, and for reasons that were then perfectly good I was for it.

Mr. NORRIS. Mr. President, every proposition that has been before the Senate has been in the form of a bill. A joint resolution would have done just as well, I concede. The bill I introduced, the bill presented by the senior Senator from Alabama, which passed the House of Representatives, the bill which passed the House, the original Ford bill—none of them were subject to a point of order of this kind. They all required, before they became effective, the approval of the Presi-

dent of the United States, and the effect would have been to repeal the law, of course, if any of those bills had been enacted, and if we had a joint resolution, instead of a concurrent resolution, the effect would be the same in this case.

We must come back to the proposition that every act this committee is directed to do is a violation of law. Would anybody contend that if this were a Senate resolution, it would not be subject to a point of order? Would anybody say for a moment that if it did not require the approval of the House, it would not be subject to a point of order? Would anybody contend for a moment that if we passed even a concurrent resolution which provided for the appointment of a committee to receive bids, let us say, for the sale of the Capitol of the United States, although there is no express statute that I know of that prohibits its sale, that that would not be subject to a point of order? Would anybody contend for a moment that if we had the concurrent resolution here providing for the sale of a battleship that that would not be subject to a point of order?

If it were passed, would anybody suppose for a moment that good title could be given under it, although we might agree that Congress might afterwards approve it? If the point were made when the concurrent resolution were pending, it would be the duty of the Chair to sustain the point of order. Otherwise, we could proceed to do an illegal thing; we could proceed, in effect, to repeal any statute of the United States by a simple resolution.

It is no answer to say that we have a right to investigate and to look into things through committees to see whether we should not change a law. That is a different proposition, entirely different. If this concurrent resolution provided for a joint committee to look into the Muscle Shoals matter to see whether some law could not be devised, better than the one on the statute books, for its use or its disposal, that would be a different proposition. But this is a concurrent resolution, which directs this committee to go out and enter into negotiations for the purpose of making a lease, which is a direct violation of law. It seems to me there can be no outcome except that this point of order must be sustained.

The VICE PRESIDENT. Before ruling on the point of order the Chair desires to make an inquiry of the Senator from Nebraska. The Chair understands the point of order made by the Senator from Nebraska to be that the concurrent resolution seeks to amend a permanent statute of the United States; in other words, is an attempt to legislate in a manner not possible by means of a concurrent resolution. Is the understanding of the Chair correct?

Mr. NORRIS. That is substantially correct.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken. The question is on agreeing to the concurrent resolution.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President, I desire to appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HEFLIN. I make the point of order against the appeal that it comes too late.

The VICE PRESIDENT. The point of order is not well taken.

Mr. FESS. Mr. President, I move that the appeal be laid on the table.

Mr. HEFLIN. I move to lay the appeal on the table.

Mr. NORRIS. Upon that motion I ask for the yeas and nays. If Senators want to take snap judgment, let us have a record vote.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is upon the motion of the Senator from Ohio [Mr. FESS] to lay on the table the appeal by the Senator from Nebraska [Mr. NORRIS] from the decision of the Chair.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Deneen	Heflin	Means
Bingham	Dill	Howell	Metcalf
Blease	Edwards	Johnson	Moses
Bratton	Ernst	Jones, Wash.	Neely
Brookhart	Fess	Kendrick	Norbeck
Broussard	Fletcher	Keyes	Norris
Bruce	Frazier	King	Nye
Cameron	George	La Follette	Oddie
Capper	Glass	McKellar	Overman
Caraway	Goff	McKinley	Pepper
Copeland	Gooding	McLean	Phipps
Couzens	Harreld	McMaster	Pine
Curtis	Harris	Mayfield	Pittman
Reed, Pa.	Smith	Tyson	Wheeler
Robinson, Ark.	Smoot	Wadsworth	Williams
Robinson, Ind.	Stanfield	Walsh	Willis
Sackett	Stephens	Watson	
Sheppard	Swanson	Weller	

The VICE PRESIDENT. Seventy Senators having answered to their names, a quorum is present. The question is upon the motion of the Senator from Ohio [Mr. FESS] to lay on the table the appeal of the Senator from Nebraska [Mr. NORRIS] from the decision of the Chair. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Michigan [Mr. FERRIS]. In his absence I transfer that pair to the Senator from Maine [Mr. HALE], and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I am satisfied, however, that if present he would vote as I intend to vote. I therefore vote. I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. DU PONT], but I am advised that if present he would vote as I intend to vote. I therefore vote "yea." I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. If present, he would vote "yea."

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is absent on account of illness. If present, he would vote "yea."

Mr. HARRELD. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I understand that if he were present he would vote as I am about to vote. I vote "yea."

Mr. CURTIS. I was requested to announce that the senior Senator from Oregon [Mr. MCNARY] is unavoidably detained from the Chamber.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. BUTLER] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD].

I desire to state that if present each of the following Senators would vote "yea": The senior Senator from Maine [Mr. FERNALD], the senior Senator from Massachusetts [Mr. BUTLER], the junior Senator from Massachusetts [Mr. GILLETT], the junior Senator from Maine [Mr. HALE], the Senator from Minnesota [Mr. SCHALL], and the Senator from Vermont [Mr. GREENE].

Mr. ROBINSON of Arkansas. I desire to announce that if present each of the following Senators would vote "yea": The Senator from Mississippi [Mr. HARRISON], the Senator from North Carolina [Mr. SIMMONS], the Senator from Arizona [Mr. ASHURST], and the Senator from Rhode Island [Mr. GERRY].

I also desire to announce that the Senator from New Mexico [Mr. JONES] is detained from the Senate by illness.

The result was announced—yeas 55, nays 15, as follows:

YEAS—55

Bayard	Fess	McLean	Robinson, Ind.
Bingham	Fletcher	McMaster	Sackett
Bratton	George	Mayfield	Smoot
Broussard	Glass	Means	Stanfield
Bruce	Goff	Metcalf	Stephens
Cameron	Gooding	Moses	Swanson
Capper	Harreld	Oddie	Tyson
Caraway	Harris	Overman	Wadsworth
Copeland	Heflin	Pepper	Walsh
Couzens	Jones, Wash.	Phipps	Watson
Curtis	Kendrick	Pine	Weller
Deneen	Keyes	Pittman	Williams
Edwards	King	Reed, Pa.	Willis
Ernst	McKinley	Robinson, Ark.	

NAYS—15

Blease	Howell	Neely	Sheppard
Brookhart	Johnson	Norbeck	Smith
Dill	La Follette	Norris	Wheeler
Frazier	McKellar	Nye	

NOT VOTING—26

Ashurst	Fernald	Jones, N. Mex.	Shortridge
Borah	Ferris	Lenroot	Simmons
Butler	Gerry	McNary	Trammell
Cummins	Gillett	Ransdell	Underwood
Dale	Greene	Reed, Mo.	Warren
du Pont	Hale	Schall	
Edge	Harrison	Shipstead	

So the Senate laid on the table Mr. NORRIS's appeal from the decision of the Chair.

Mr. HEFLIN. Mr. President, this subject has been before the Senate for a number of years, and if I am not interrupted I will not take very much of the time of the Senate in my opening remarks. I hope to conclude what I have to say at this time in 15 or 20 minutes.

The Muscle Shoals project has been before the Senate since 1920. Muscle Shoals got its name from the Indians. They had such difficulty in making the up-river journey with their boats and dugouts, it required so much muscle power, that they named this point on the river Muscle Shoals. The Government in 1916 selected this site for the purpose of building a dam for manufacturing nitrates in time of war and fertilizer for our farmers in time of peace. When the World War was ended a committee of Representatives from the other House went down and inspected this site and the work that had been done there. That committee came back and actually reported to Congress that the project should be abandoned. It was abandoned temporarily, and for several months there was no work done there. The cofferdams were washing away. The former Secretary of War, Mr. Weeks, finally invited bids. Mr. Henry Ford and other gentlemen submitted bids. We have undertaken for four years and more to lease that property, to dispose of it in a proper way, so that it could be utilized as soon as dam No. 2 should be completed. The Ford offer was accepted by the other House in the McKenzie bill in the Sixty-eighth Congress. The Committee on Agriculture of the Senate acted unfavorably on the Ford offer. There was so much delay in this body with regard to rejecting or accepting the offer of Mr. Ford that he became disgusted with the tactics employed here and withdrew his bid. The whole matter went over, then, until another Congress.

My colleague, the senior Senator from Alabama [Mr. UNDERWOOD] took the Ford bid and embodied a large portion of it in a bill which he introduced. That bill was so amended in this body, it was so mutilated, so disfigured, that it died in the closing hours of Congress. I hope that this concurrent resolution will not meet the fate that bill met. Some Senators succeeded in amending the bill here, I think, for the purpose, in some instances, of making it obnoxious and preventing its final passage; but, at any rate, I know that so many amendments were put upon it that the bill did finally fail and never became a law.

That Congress adjourned, and nothing was done. In 1925, a year ago this month, President Coolidge, seeking to do something with the Muscle Shoals property, appointed a commission of five to go down and inspect Muscle Shoals and to make recommendations as to what should be done with it. That commission returned; three of them signed one report and two signed another. They differed merely in details as to what should be done; but, Mr. President, the commission agreed on two important points. They were that the dam should be leased to private individuals and that it should be provided that whoever obtained the lease should agree to make nitrates for the Government in time of war and fertilizers for the farmers in time of peace.

That commission did not receive any bids; it recommended in the conclusion of its report that Congress should make another attempt to secure bids. The President, in keeping with that idea, has indorsed the pending resolution, which has been adopted by the House; and, Mr. President, I want to remind the Senate that the House, by a vote of 9 to 1, adopted this resolution without amendment.

As I said a little while ago, the Senate Committee on Agriculture, by a vote of 11 to 5, favorably reported that resolution to the Senate without amendment. The Farm Bureau Federation indorse the resolution as it stands; the farmers generally are in favor of it. It is being fought by the Power Trust and the Fertilizer Trust. They do not want this resolution passed. I observe the Senator from South Carolina [Mr. SMITH] and the Senator from Tennessee [Mr. MCKELLAR] are amused at that suggestion.

Mr. SMITH. We are.

Mr. MCKELLAR. We are very greatly amused, I will say to the Senator.

Mr. HEFLIN. Well, the Senators will be more amused before this discussion is over.

Mr. President, the Ford offer which was here for consideration ran counter to the statute the Senator from South Carolina has cited; it ran counter to the same statute cited by the Senator from Tennessee and the one to which the Senator from Nebraska [Mr. NORRIS] has called attention; but these two able Senators from the South supported the Ford bid; they urged its adoption in the Senate. The Senator from South Carolina, along with me and others, signed a minority report in which we eulogized the Ford offer to the skies and stood strongly and unitedly behind it.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. Does the Senator refer to the minority report made from the Agricultural Committee of the Senate?

Mr. HEFLIN. When?

Mr. NORRIS. I refer to the one the Senator from Alabama and the Senator from South Carolina signed.

Mr. HEFLIN. Yes.

Mr. NORRIS. How does the Senator explain his statement of just a few moments ago that the Agricultural Committee acted favorably upon Henry Ford's offer?

Mr. HEFLIN. It rejected all of them except his offer, and we reported that out, I believe, without recommendation.

Mr. NORRIS. No. The Senator has stated that he and the Senator from South Carolina signed a minority report favoring the Ford offer, but he has also stated that the Agricultural Committee reported favorably upon the Ford offer.

Mr. HEFLIN. We made two minority reports, one in 1922 and one in 1924.

Mr. NORRIS. When the Senator from Alabama and the Senator from South Carolina signed the minority report I presume there was a majority report that did not favor the Ford offer.

Mr. HEFLIN. Mr. President, that is immaterial.

Mr. NORRIS. Yes; I think so.

Mr. HEFLIN. Because the bill was brought out and put upon the calendar. I do not remember now whether we reported it without recommendation or otherwise; but anyhow we filed a minority report. The late Senator from North Dakota, Mr. Ladd, who was heartily in favor of the Ford offer, wrote the report. The Senator from South Carolina, the Senator from Louisiana [Mr. RANSDELL], and the Senator from Tennessee are among the three or four on this side who are against the pending resolution.

Mr. SMITH. Six or seven.

Mr. HEFLIN. But we signed the report.

Mr. President, I wish to remind the Senate that when they signed it, in view of the position they have taken here to-day, they were proposing to repeal the statute which has been referred to, and running counter to the solemn act of the Congress of the United States which had the approval of the President. They were for Henry Ford's offer then, but the Senator from Tennessee now says that this is a dangerous thing; that it is a bad thing; and that private enterprise ought not to have Muscle Shoals.

I wish to read to the Senate what the Senator from Tennessee said in the Senate debate upon the Ford offer regarding the matter of turning this great Muscle Shoals power project over to a private individual that he might take it and use it for his own benefit in the main, agreeing to make 40,000 tons of fixed nitrogen for our farmers and nitrates for the Government in time of war. Let us see how my friend from Tennessee has changed his position. Then the Ford offer provided that he should have it for a hundred years. Somebody called attention to the fact in the hearings that Mr. Mayo had stated they did not intend to let a single kilowatt get away from Muscle Shoals; that they would use it all; and yet my friend from Tennessee and my friend from South Carolina and my friend from Louisiana [Mr. RANSDELL] supported the Ford offer; they swallowed it whole. They were for it strong, and here is what my friend from Tennessee said. It is such a strong and clear-ringing statement I want to read it at this point:

> Mr. MCKELLAR. Mr. Ford is the logical man to have this plant. I am now as I have always been since the matter first came up in favor of leasing it to him.

Mr. MCKELLAR. I would be in favor of leasing it to him to-day, if that were the proposal, but what is proposed is to lease it either to the power monopoly or to the fertilizer monopoly, and I am wholly opposed to doing either.

Mr. HEFLIN. Mr. President, the Senator does not know who is going to make a bid for this dam.

Mr. MCKELLAR. But I can make a mighty good guess. It will not be Mr. Ford, but either the Fertilizer Trust or the Power Trust is going to bid on it, because they are principally interested in it.

Mr. HEFLIN. The Power Trust and the Fertilizer Trust are both against this resolution. Their witnesses who appeared before the Agricultural Committee, including, I believe, the

secretary of the National Fertilizer Association here in Washington, opposed it and protested against its passage.

Who has been here supporting it from the Fertilizer Trust? Not a single man; but the farmers' friends have been here. The president of the American Farm Bureau Federation has wired me that he is for this concurrent resolution. His representative here in Washington has been to see me, urging its passage just as it stands. Some Senators seem to have this thing rather mixed up as to whom the trust is for.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield for a question.

Mr. McKELLAR. Perhaps we can keep it from being mixed up. The Senator says that the water-power monopoly is not going to get this plant and the fertilizer monopoly is not going to get it. Will he not be good enough to take us into his confidence and tell us who is going to get it under his concurrent resolution?

Mr. HEFLIN. Mr. President, I do not know; but I do know that under the tactics employed by the Senator from Tennessee and the Senator from Nebraska and just a few others, nobody has gotten it so far, and the water is now practically going to waste.

Mr. McKELLAR. Oh, no.

Mr. HEFLIN. The dam is completed. We have got to do something with it. We ought to act in the name of the American people, and not hold it up any longer because of the suggestion of gentlemen who are on this side to-day and on that side to-morrow.

Mr. McKELLAR. If the Senator will yield, Mr. President, the Senator is mistaken about nobody having it. His good, amiable, public-loving Alabama Power Co. is operating it to-day, all of it—steam plant, water plant, and all—for a mere bagatelle. The Senator is mistaken about that water going to waste. His own Alabama Power Co. has it.

Mr. HEFLIN. Yes; they have it, and they are paying as I understand very little for it. They are operating it until a lease can be had; and under the Senator's position, and that of a few others here, they will continue it in the hands of the Alabama Power Co. until December, getting the use of it, as the Senator says, for a song. Congress wants to act; three-fourths of the House want to act; four-fifths of the Senate want to act; the President wants to act; the farmers want us to act and we ought to act at an early date upon this concurrent resolution.

I want to warn the Senate against the innocent-looking and smooth-appearing amendments that these particular Senators are going to offer. My good friend the smooth artist from Nebraska will come in here with some amendments that will look good, but I urge Senators not to touch them. They are filled with Dead Sea fruit. This concurrent resolution ought to be speedily passed. There are only 30 days from to-day within which this Senate must act, and this commission must receive bids and report them back to Congress.

That is why I am fearful of the final adoption of the resolution if it is amended here and has to go back to the House. Senators, the time is so short.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to my friend.

Mr. MAYFIELD. I should like to ask the Senator if the President's committee appointed to receive bids on this property gave any reason why they received none?

Mr. HEFLIN. They just suggested that they did not receive a satisfactory bid, I believe—I do not remember the exact language—but they wanted the Congress to continue its efforts, and all of them agreed that the plant ought to be leased to private individuals.

There are two courses submitted to us here, Senators. The Senator from Nebraska has always been open and outspoken in his position on the subject. He wants Government ownership and operation, and I do not want either. I want the Government to retain this particular dam, because of the way this project was brought about. We created it for service during the war, and the war is over, and now we must do something with it. I want to use it for the purposes set out in this statute, the purposes that this concurrent resolution provides, and my friend from Tennessee objects to the provision that the bids shall be as good as or better than the Ford bid, which he accepted and swallowed whole-heartedly.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. The Senator says he does not believe in Government ownership of this plant. Did not the Senator vote for the act known as the national defense act of June 3, 1916, which provided for Government ownership, operation, and control of this plant?

Mr. HEFLIN. Yes; I have just said that.

Mr. McKELLAR. When did the Senator change?

Mr. HEFLIN. I said that because of the peculiar way in which we got hold of this particular project; I voted for it and wanted the Government to own it and lease it.

I am not a socialist, however; I am a Democrat. I believe in this Government encouraging individual enterprise and initiative and I do not believe in the Congress drawing this Government into competition with private individuals. Some Senators are not going to say that much, and yet, they are probably going to vote for amendments that the Senator from Nebraska or others will offer which mean the same thing.

I want to warn the Senate against amendments of any kind. The House has done the best it could. It had a difficult task to perform. They have been working with this thing for months and for years. As I said a little while ago, the Senate dilly-dallied with this thing so long that Henry Ford got disgusted and walked away; and as he walked away my friend from Tennessee cried out to him to stop and come back and renew his bid. He wanted to lease this Muscle Shoals dam to a private individual so badly that he wanted Ford to come back and renew his bid, but Henry would not come. [Laughter.]

Mr. McKELLAR. Mr. President——

Mr. HEFLIN. I yield to my friend.

Mr. McKELLAR. If I recollect aright the facts about my asking Mr. Ford to come back, my recollection is that the distinguished junior senator from Alabama, who is now speaking, wrote out the telegram and came with it signed by himself and asked me to sign it with him, and I did.

Mr. CARAWAY. And Henry Ford paid no attention to either of the Senators.

Mr. McKELLAR. Neither one—absolutely.

Mr. HEFLIN. Mr. President, I just wanted to see how good a recollection the Senator has. Both of us signed the telegram. I wanted Henry Ford to have it. I would not object to seeing him have it now.

Mr. McKELLAR. Nor would I.

Mr. HEFLIN. I am still for a private citizen leasing this plant and operating it; but the Senator has changed his attitude completely, and he is now in favor of the Government holding it, and babying it along and nursing it until at some far-away time in the future we can decide maybe just what we want to do with it.

Mr. President, the world has never moved forward under the lead of such statesmanship as that. You have to point out a way and take a definite stand if you ever get anywhere. Why, the idea of holding this thing up now, after we have dallied and played with it and postponed it and held it back and choked it to death here time and time again! Let the resolution pass as the House passed it and as the Senate Committee on Agriculture reported it to the Senate and as the President desires it passed and as the farmers of the country want it passed and then if the bids are not satisfactory reject them. Is not that a fair and a sound proposition?

Mr. President, Mr. Hooker, a fertilizer manufacturer of New Jersey, notified our committee that he was going to make a bid for the Muscle Shoals Dam. Mr. Hooker testified that he believed he could make fertilizer at half price at Muscle Shoals. Mr. Mayo, Mr. Ford's chief engineer, testified that he thought Mr. Ford could make fertilizer there at half price. The question is, Are we going to consider the farmers' interest in connection with this concurrent resolution, or are we going over to the power side of this question?

The Senator from South Carolina [Mr. SMITH] has a bill before the Committee on Agriculture; the Senator from Tennessee [Mr. McKELLAR] has one; the Senator from Louisiana [Mr. RANSDELL] has one. They are power bills, every one of them.

Mr. SMITH. Not mine.

Mr. HEFLIN. The Senator from Nebraska [Mr. NORRIS] has one, and his is a power bill, and he wants the Muscle Shoals project to be taken over and run by the Government.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from West Virginia.

Mr. NEELY. Since last Friday I have received 32 or 33 letters urging me to vote for the pending concurrent resolution. All of these letters are typewritten. They are all identical in phraseology. They are all mailed from New York City. I wish to inquire of the Senator if he knows what farmers in New York City are interested in having the concurrent resolution adopted?

Mr. HEFLIN. Mr. President, I submit to the Senator from West Virginia that the people of New York City as citizens of the United States should be interested. They are taxpayers of the United States. When it looked as though Ford was going to get Muscle Shoals many of them went

down there and bought homes and have moved down there. They have gone there from nearly every State in the Union. They have bought farms in that fertile Tennessee valley, and I am glad to have them come; and no doubt these letters are coming from people up there who are interested in Muscle Shoals and vicinity. I see no harm in these people sending their suggestions to my good friend from West Virginia, and I must say that in this particular instance they gave him wholesome advice.

Mr. NEELY. Mr. President, I am not complaining that the people who sent them committed any serious offense by doing it, but I was just wondering if those letters might not have been inspired by the fertilizer or the power trust instead of the farmers throughout the country. As they were written with a typewriter and all of them were phrased in exactly the same way, I became suspicious of them because, really, they are not like the majority of the letters I receive from farmers.

Mr. HEFLIN. Mr. President, I want to say to my good friend from West Virginia that a good many farmers are using typewriters now, and they are keeping up with the records of Senators here much better than they used to. They are going to watch their records when they come to vote on this question. They can tell then just what Senators are desirous of delivering the farmers from dependence upon Chile, a foreign power, for their nitrogen supply. These farmers have a right to be heard. Why, all sorts of propaganda have been going on. I had a telegram from New York saying: "Vote for the lease of Muscle Shoals," signed "Many voters." It did not say who it was from. That was a curious piece of propaganda. I do not know who inspired it, but it was not any friend of this resolution. Other Senators got the same telegram and took it seriously. Either somebody did it as a joke, and just signed "Many voters," or the other side got it up so that the opposition—outside of the Senate, I mean, of course—could say that propaganda was coming in here on that line.

Mr. President, during the war this country was helpless, regarding its potash supply. Potash advanced in price to $500 a ton. If Germany had ever succeeded in cutting off our nitrate supply from Chile, the story of the World War would have been different. We furnished the ammunition in the main after we got into the war, and with our allies we won the war. Nitrogen was a very important thing, the most essential thing, and Chile furnished us our supply.

Where do we get it to-day, Mr. President? We still get our supply from Chile. How much do we pay her in the way of an export tax? Twelve dollars per ton. For every ton shipped into the United States they tax our farmers $12. What do our farmers pay for nitrate of soda now? Doctor Duncan, of my State, a State senator from Limestone County and for a long time connected with the Agricultural and Mechanical College, now called the Polytechnic Institute, of my State, is a large farmer in the Tennessee Valley. He lives not a great distance from Muscle Shoals. He told me he bought his nitrate of soda in combination with others through the farm cooperative marketing association and got it at $62 per ton, and that the average fellow purchasing by himself in the open market paid $75 per ton. Think of that, Senators.

Mr. President, I want to submit to these Senators who have professed their friendship for the farmers that here is an opportunity not only to deliver them but to deliver their Government from the grip of a nitrate monopoly existing in a foreign country.

As to the fertilizer manufacturers in the United States, I want to say just here that they do not manufacture nitrates. They buy their nitrates from Chile. This Government, by compelling the manufacture of 40,000 tons of fixed nitrogen annually at Muscle Shoals, will supply the fertilizer manufacturers of the United States, and do it at a price not half as great as that they have to pay to Chile now. That will result in tremendous benefit to our farmers. The farmer's fertilizer bill will be smaller, he will be paying less money for his fertilizer, and that will result in benefit to the consumer. So it will work well all around, and to save my life I can not see why anybody should oppose this resolution.

Dam No. 2 is completed, and is ready for use. The committee will have only 30 days in which to act, to report back for the action of Congress. As I said before, Congress will be adjourning by the middle of May, in all probability, and maybe earlier. The citizens of the United States who are willing to accept the invitation of Congress and the President to come in and lay their bids upon the table have a right to be heard on this proposition. Congress has a right to have an opportunity to act, and the President, who has chided Congress for its delay in action upon this matter in his messages, and justly so, has the right to have action had upon it. The great army of farmers in this country who are at the mercy of the Fertilizer Trust who are paying outrageous prices for fertilizer are entitled to have action upon this important resolution.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. Suppose the committee reports a bid transferring this property by the Government on the terms of the Ford offer to the Fertilizer Trust, as it is commonly known, the American Cyanamid Co., or any one of the component parts of the Fertilizer Trust. Would the Senator from Alabama be willing to vote for the transfer of the property?

Mr. HEFLIN. Mr. President, I do not know who is going to bid for this property.

Mr. McKELLAR. I am asking the Senator just to assume.

Mr. HEFLIN. I am going to do what I can to have this thing disposed of in some way, and to have it disposed of to the best interest of the country and to the best interest of the farmers. I speak for a large number of them. I have been on the Committees on Agriculture in both Houses. I was on that committee in the House for 12 years, and I have been a member of that committee in this body since I have been here, and I am working for the interests of the farmers in every way that I can. I do not propose that they shall be deceived about this proposition.

I repeat I do not know who is going to bid. But the committee will consider the matter and report back to Congress, and then my friend from Tennessee will have an opportunity to fight the bids, if he wants to, and if they are not what they ought to be he ought to fight them. But I submit to him and to other Senators that they should not delay the passage of this resolution one hour. Let it be enacted and the work started, and then, when the bids come back, will be the time to fight them if they are not what they ought to be. Efforts to delay this resolution are dillydallying tactics.

Mr. McKELLAR. Mr. President, the Senator says it is my duty to vote against it if a bid comes in from the Fertilizer Trust. I want to ask him if he will join me in carrying out my duty and vote with me if a lease is reported in favor of either the Fertilizer Trust or the Power Trust? Will the Senator join me?

Mr. HEFLIN. Mr. President, my friend has changed so often on this question in the last two years that I reserve the right to say what a trust is. What he will say is a trust now and what he may say when the bid comes in is a trust nobody knows.

Mr. McKELLAR. I will ask the Senator if he will do this: If a report comes in transferring the property on the terms of the Ford offer to the American Cyanamid Co., or to the Union Carbide Co., or to the Alabama Power Co., will he vote against that bid?

Mr. HEFLIN. Mr. President, I must submit to my friend that the question seems rather ridiculous to me. I can not say in advance whose bid I will vote for. I will vote for the best one, the one that agrees to do what we want done. I am asking for the passage of this resolution, so that the committee can receive bids and bring those bids back, and I can have an opportunity to look them over. If they are not what they ought to be, they ought to be rejected, and the Senator from Tennessee, I am sure, will fight to reject them. I think he will fight to reject all of them. He is in the habit of fighting.

Mr. McKELLAR. Mr. President, it seems to me the question ought to be very simply answered, after what the Senator has already said. He has been inveighing against the Fertilizer Trust and the Power Trust, and he says that the opposition to this bill is the opposition of the Fertilizer Trust and the Power Trust. When I ask him if he is willing to vote against a bid that may be reported here by either the Power Trust or the Fertilizer Trust, he declines to answer as to whether he will or not.

Mr. HEFLIN. Mr. President, I said I reserved the right to say whether it is a trust or not, and I must repeat that my friend has changed his attitude on this thing so often, that if I should agree with him now, I am afraid I would not have him with me on to-morrow.

Mr. McKELLAR. The Senator will never have me with him on the side of monopoly, whether it be fertilizer monopoly or whether it be a water-power monopoly. I can assure the Senator that never, when he gets on the side of either water-power monopoly or fertilizer monopoly, or any other kind of monopoly, will he have me with him.

Mr. HEFLIN. I must remind my friend again that he is very forgetful. He voted to turn this over to Mr. Ford, so he could take it and monopolize it as he pleased for a hundred years, to do with the power just what he pleased. Now he wants to go over across the line into my State and hamper and hamstring the whole proposition, by providing for sending electricity out in every direction, when we have but 80,000 primary horsepower at Dam No. 2.

Mr. CARAWAY. Mr. President, does the Senator think he owns the Tennessee River?

Mr. HEFLIN. Did the Senator address that question to me?

Mr. CARAWAY. I tried to.

Mr. HEFLIN. No, Mr. President.

Mr. CARAWAY. Then why is the Senator talking about hamstringing some institution of his State? The State of Alabama does not own it.

Mr. HEFLIN. Certainly they do not.

Mr. CARAWAY. The river went over there one night, and the next morning it got out of Alabama just as soon as it found out where it was.

Mr. HEFLIN. I do not believe it got into the State of my friend from Arkansas.

Mr. McKELLAR. It went right back into the State of Tennessee.

Mr. HEFLIN. Mr. President, I have not time for this idle talk on the side. The Senator from Tennessee is asking now to amend this resolution so that it will provide for power to come into Tennessee, and, of course, they will get power from that dam. They have already gotten some power from it. Tennessee has more power possibilities than my State has at Little River, in Tennessee, a hundred thousand horsepower, already operating, with possibilities of three or four hundred thousand more. The Senator has not said anything about that power, but he wants to dip his hand into this. The plant down there supplied power last year to Georgia, South Carolina, North Carolina, and some to Tennessee, and it will do so again, of course, if the power is needed.

Mr. NEELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. HEFLIN. I yield.

Mr. NEELY. The able Senator from Alabama said a few moments ago that if the committee negotiated a lease it would bring the lease back to Congress. I wish to call his attention to line 5, page 2 of the resolution, and ask him if he thinks the language "said committee shall have leave to report its findings and recommendations" is a mandatory injunction to the committee to submit the matter to Congress after a lease shall have been negotiated?

Mr. HEFLIN. Certainly. That is the phraseology used by both Houses time and again.

Mr. NEELY. Does not the Senator think that if it is the intention to say that Congress shall approve or disapprove the lease, the words "have leave" should be stricken out, and that the resolution should be amended to read, "said committee shall report its findings and recommendations"?

Mr. HEFLIN. That is the point raised by the Senator from South Carolina [Mr. BLEASE].

Mr. NEELY. I do not know who else raised the question, but if the Senator from South Carolina did raise that question, I agree with him.

Mr. HEFLIN. It is not necessary at all, because the resolution provides that the committee shall report to Congress not later than April 1, and that this bid, whatever it is, shall "have the status that is provided for measures enumerated in clause 56 of Rule XI," which makes it a privileged proposition, and provides for immediate action upon it.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Yes. I want the Senator to ask me a question, but not to speak in my time, because I know he is going to speak at length when I am through.

Mr. McKELLAR. I will not trespass on the Senator's time. The Senator spoke of quite a large amount of undeveloped power in my State, and he was correct in that statement. Is it not the proposal of the Alabama Public Utilities Commission that none of the power generated by the Government and with Government money can be transmitted beyond the State lines of his State?

Mr. HEFLIN. No, sir. I will read for the Senator's benefit a telegram I have just received from the public service commission of my State. I knew the Senator was wrong the other day, and I called attention to the fact that he was wrong about a newspaper article he read.

Mr. McKELLAR. The Senator recalls that it was published in the Alabama papers to that effect?

Mr. HEFLIN. Yes; the Senator undoubtedly saw it in print. The telegram I received this morning addressed to me is as follows:

> We are informed that our letter to you insisting that all power rates within the State of Alabama are exclusively under the control and regulation of the laws of the State is being misconstrued and misrepresented by some as meaning that it would be the policy of this commission to endeavor to prevent transmission of power from Alabama into other States. Such interpretation of our letter is incorrect. We do not favor such a policy in our administration of the power laws of Alabama. Power is now being transmitted from power plants in Alabama, including Muscle Shoals, into Georgia with our permission and thence into the Carolinas. We have recently authorized facilities for the transmission of power into the State of Mississippi and we stand ready to approve the transmission of power from Muscle Shoals into Tennessee, Florida, and other States as conditions may require and justify. We will never consent but will vigorously oppose all efforts of the Federal Government through any agency to regulate or control the rates on power served from Muscle Shoals within the State of Alabama.

I ask the Senator if he does not think that is sound doctrine?

Mr. McKELLAR. No; I do not. I have not read the telegram closely, but I judge from hearing it read that the Alabama Public Utilities Commission claims the right to transmit power to be sent out of that State in the future.

Mr. HEFLIN. No——

Mr. McKELLAR. They say they have heretofore agreed to it, and that they will agree to it under such conditions as they will set forth. I do not think that this project which is created by the Government, with the money of all the people, belongs to the State of Alabama. It belongs to the American people, and I think there ought to be a just and equal distribution of that current from Muscle Shoals, regardless of what the Alabama Public Utilities Commission may say about it.

Mr. HEFLIN. The telegram continues:

> but we do stand ready to agree with the power rate-making commissions of adjoining States for transmission of power from Muscle Shoals out of Alabama into these States.

I ask the Senator if he agrees to that, and thinks it is sound?

Mr. McKELLAR. They claim absolute control of it. If they can agree on the terms and conditions under which other States may have it, they will furnish it, but unless they can agree, they still have the right to stop it.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. PITTMAN. I am interested in knowing how we can prevent a commodity from going from one State into another.

Mr. HEFLIN. We can not. Nobody has any desire to do that.

Mr. McKELLAR. The Alabama Public Utilities Commission has sent out a letter in which it is stated that it has the right to prevent the distribution of that power outside of the Commonwealth of Alabama.

Mr. HEFLIN. I have just read to Senators a telegram showing that they did not say any such thing.

Mr. McKELLAR. The telegram does not deny it.

Mr. PITTMAN. I am not asking what they thought and said. I am asking the constitutional lawyers by what power they could interfere with interstate commerce.

Mr. McKELLAR. I think the contention of the Alabama commission as a legal proposition is ridiculous.

Mr. CARAWAY. If there were no Federal question involved, the State might keep within its borders any power produced within its borders. The State of Maine, for instance, has a law that prevents the transmission beyond its borders of hydroelectric power. There is no question about the power of the State to control an article produced wholly within the State. I do not know what the position of the Alabama people will be. I do not think the resolution ought to pass without a provision for an equitable distribution of the power.

Mr. HEFLIN. It will be distributed all right. I want to say to my friend from Arkansas that I fear that an amendment on the resolution would kill it.

Mr. CARAWAY. What makes the Senator say that?

Mr. HEFLIN. Because I have made inquiry.

Mr. CARAWAY. Of whom?

Mr. HEFLIN. I do not care to state that.

Mr. CARAWAY. Who can speak for the 435 Members of the House?

Mr. HEFLIN. The Senator knows that frequently we inquire of Members of the House about a proposition and we are frequently told that if a proposition is amended this way or that it will not be passed.

Mr. CARAWAY. I do not think the Senator will pass the resolution through the Senate without an amendment. If it is the view of the Senator from Alabama that the project is wholly an Alabama project and that nobody else has any interest in it, then the Senator will have to pass it all by himself.

Mr. HEFLIN. That is not my position. I make the prediction to the Senator that we will pass the resolution without serious opposition.

Mr. CARAWAY. Oh, no; it will not pass without opposition.

Mr. HEFLIN. It will pass, I am hoping, without amendment.

Mr. CARAWAY. It may do it, but the Senator will have to have some help.

Mr. HEFLIN. The Senator can fight it if he wishes to do so.

Mr. CARAWAY. The Senator will need some help to pass the resolution if he takes the position that we have no right to amend it.

Mr. HEFLIN. The Senator from Alabama has never taken that position. That is not my position.

Mr. CARAWAY. Then what does the Senator mean by saying that if we amend it somebody will not let it pass?

Mr. HEFLIN. I was answering the Senator from Tennessee.

Mr. McKELLAR. Mr. President, will the Senator permit me?

Mr. HEFLIN. Wait a moment, please. The power commission in my State has said, as plainly as the English language can make it, that it has control within the State over the power going out from Muscle Shoals. I hold that that is sound doctrine. If the Senator from Tennessee or any other Senator is willing to trespass upon the doctrine of State rights and is willing to wave a State commission aside and put himself under the control of the Federal water power act, he can do so, but I have here a letter from Tennessee urging that the State commission of that State shall regulate the power rates in Tennessee, and I think they are right about it. The commission in my State simply claims the right to regulate rates up to the State line, and then they suggest, as has been done in Mississippi and Georgia and Tennessee, that they should all agree on the rates. What is wrong in that? If they can not agree, it will be time for the Federal Government to step in.

That is my position. I have never taken the position that the project belonged alone to Alabama, but I do claim that it is wholly within the State of Alabama and that the Alabama Utilities Commission has the right to regulate the rates for electric power anywhere in the State, whether the power comes from Muscle Shoals or elsewhere.

Mr. McKELLAR. The Senator from Arkansas [Mr. CARAWAY] just a moment ago asked a question about the position of the Alabama Public Utilities Commission. I desire to read from an article in the Birmingham Age-Herald in which they stated their position——

Mr. HEFLIN. Mr. President, I can not yield for that purpose. The Senator has already called attention to that—it has already been read in the Senate. I have read in response to that newspaper article a telegram denying that it was correct and I can not yield to the Senator to read into the RECORD again something which has been repudiated by the public service commission of my State.

Mr. McKELLAR. I do not think it has been repudiated, and I want the Senate to know the situation. Of course, if the Senator wants to keep the facts from the Senate I have nothing further to say at this time.

Mr. HEFLIN. The Senator can read it in his own time. I can not yield to have the same newspaper articles read in my time.

Mr. McKELLAR. I will read it later.

Mr. HEFLIN. It is a newspaper article that has been repudiated by the commission of my State just as plainly as English language could do it. Of course I realize that the Senator occupies a very embarrassing position.

Mr. McKELLAR. Not at all; not I!

Mr. HEFLIN. Having been on the other side of the question and now getting on this side of the question, he reminds me of a story Bob Taylor used to tell about a fellow who was shucking corn, and every time he found a red ear they gave him a drink. He found so many red ears that he soon reached the point where he could not carry another drink. He went up in the barn loft and went to sleep. When he woke up they were yelling "Fire, fire!" In his excitement he put on his overalls wrong side in front, and he stumbled and fell down the stairway. They gathered him up and asked him if he was hurt. He said, "My chest is where my back was; my back is where my chest was. I am turned completely around." [Laughter.] My friend from Tennessee is so badly twisted and crippled that it is no wonder he is floundering around and wants to get out of this embarrassing situation. He is occupying an attitude which is tantamount to denying the right of the State of Tennessee to regulate rates in Tennessee. Whenever a Southern Senator takes that attitude he has gone a long way toward abolishing State rights and State lines and throwing himself upon the tender mercies of the Federal Government and giving it permission to reach its hand into and take control of matters that are purely State matters.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alamaba yield to the Senator from Missouri?

Mr. HEFLIN. I yield.

Mr. WILLIAMS. Does not the Senator think we anticipate the terms of the lease, and that the discussion does not really have anything to do with whether or not we shall entertain the terms proffered?

Mr. HEFLIN. Absolutely.

Mr. WILLIAMS. Does he not think, further, if we retain title to the Shoals, as we do, that it would be within the jurisdiction of the Secretary of War, and it might well be that the lease should contain terms as to the rates at which the power should be sold with the approval of the Secretary of War, and that the State of Alabama would not be so much affected as the Senator seems to think?

Mr. HEFLIN. Sure. We retain the property. As the Senator from Missouri said, the committee is simply to go out and get bids, and when the bids come in Senators can fight the proposition then. That is the time for them to make their fight. They ought not to load down the pending resolution with legislative matters. The minute it is loaded down with amendments it does become a legislative proposition. If it had had originally any amendments such as are apparently contemplated by Senators, the point of order made at the outset by the Senator from Nebraska [Mr. NORRIS] might have applied, because the amendments proposed would make it a legislative proposition.

Mr. President, I was diverted a moment ago by the various views that have sprung up in this body since we have been discussing the Muscle Shoals project. Senators are for it this year and against it next year, for Henry Ford having it a full 100 years, as the Senator from Tennessee was—and he was going to use the power right there—and now against it. Here we are providing that instead of 100 years they shall lease it for only 50 years, and we provide that the bids in other respects shall be as good as or better than the Ford bid, and my friend from Tennessee [Mr. McKELLAR] is objecting to that. He supported the Ford proposition. He said above all others, Ford's bid ought to be accepted. The pending resolution provides that bids as good as that or better shall be tendered, and yet the Senator from Tennessee is fighting it. The Senator is exceedingly hard to please and I doubt whether we could frame a resolution that would be entirely to his own liking.

Now, I want to come back to the milk in the coconut. The resolution offers an opportunity to furnish cheap fertilizer for the farmer. We are producing in the United States a little more than 7,000,000 tons of fertilizer. Of that amount 5,000,000 tons are used in the South. I am appealing to the Senators who are attacking the resolution and who fought it in the Committee on Agriculture and Forestry to stand out of the way and let the farmers have an opportunity to get relief.

How does the situation stand to-day? The farmers of the United States must go to Chile every year for their nitrate supply. They can not ever get away from that situation until somebody relieves them by creating the machinery somewhere in the United States to make fixed nitrogen. Here is the opportunity to accomplish that purpose. By this means we would relieve our farmers from the enormous prices they have to pay to Chile for nitrates. It would relieve our Government from dependence upon Chile for our nitrogen supply.

What patriotic and intelligent Senator can object to a course which would relieve the farmer from dependence upon Chile for his nitrates and which would relieve the Government from its dependence upon Chile for its nitrogen supply, two national necessities? We can not have prosperity in the country, and the farmers never can have prosperity unless and until we relieve them from the Fertilizer Trust.

Mr. President, I have here a letter from Mr. Chester H. Gray, who represents Mr. Sam Thompson. Mr. Sam Thompson is the president of the American Farm Bureau Federation. I have a telegram from Mr. Sam Thompson indorsing the resolution. His acting director, Mr. Gray, indorses the resolution. Mr. Bowers was appointed to represent the Government on the President's commission, which went down to Muscle Shoals.

He was the farmers' man on the commission. Mr. Bowers wants the resolution passed just as it is presented. I do not see where Senators get any idea that it is in the interest of the Fertilizer Trust. Every farmer and every farm organization that has spoken to me upon the subject indorses the resolution just as it stands. They ought to know what they want, and I believe they do.

That is not all, Mr. President. A little over two months ago when the Farm Bureau Federation was in convention it adopted a resolution suggesting that the property be leased and that a commission be appointed to consider the matter and report back; so that Congress is doing exactly what the great body of farmers throughout the country are asking should be done. Senators ought to know the facts.

Now, let me talk a little about some of the witnesses who were called before the committee. Doctor Cottrell is the head of the Bureau of Research in the Department of Agriculture. He testified before the committee. He was talking about the McKellar bill, the Ransdell bill, the Smith bill, and the Norris bill generally. When he got through I asked him, "Doctor Cottrell, would you have the committee understand that you are opposing the passage of the resolution?" "No, sir." "You would be glad to see it passed?" "Yes, sir; I think you ought to pass it and see if you can not do something with Muscle Shoals." That is one of the witnesses who was brought before us.

What else? Mr. Switzer, of the University of Tennessee, appeared before us. He said that he had misunderstood the proposition and that he indorsed my position in the matter. He is from the Senator's own State and from the University of Tennessee.

Now, let us see about Doctor Curtis, from Yale. He was on the commission which was appointed by the President. He favored the passage of the resolution and a lease to private parties. What else? We had Major Stahlman, the bosom friend of my friend from Tennessee, upon the stand, and my friend interrogated him, and he showed by the answers of the major that he was displeased with what the major was saying. I got that impression. The major finally said that he was for the resolution, and if the bids were not in such form as they ought to be to fight the bids, but not to fight the resolution.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield to my friend.

Mr. McKELLAR. I merely wish to have the record correct. There is no difference of any kind, nature, or description between me and my esteemed and very greatly beloved friend, Maj. E. B. Stahlman.

Mr. HEFLIN. Except that Major Stahlman favors the resolution and the Senator from Tennessee does not.

Mr. McKELLAR. There is no difference between us.

Mr. HEFLIN. But, Mr. President, I assert that Major Stahlman is on record as favoring the resolution. The able junior Senator from Tennessee [Mr. TYSON] asked him the question across the table, "Do you favor the resolution?" Major Stahlman said, "Yes, sir; I do." There can not be any question about that. Some gentlemen have faulty recollections about what occurred in the committee room. The reason I remember these things so well, Mr. President, is that I have heard everything that has been said on the subject of Muscle Shoals for five years, and some of these things have been gone over so often that they are very old. I immediately recognize it when a new thing is sprung. That is the reason I remember these things so well. Major Stahlman says, "Make the contract what it ought to be; and if it is not, make your fight then, but do not fight the resolution."

Mr. President, I submit that practically every witness they brought there I committed to this resolution before he left the witness stand. Those who called them were disappointed with the witnesses they had produced. They came to attack the resolution; they wanted to break us down; but instead of that they left the witness stand favoring the resolution and favoring action at this session of Congress.

Mr. KING. They "came to scoff, remain'd to pray."

Mr. HEFLIN. Yes; they remained to pray.

Mr. SMITH. They had better keep on praying.

Mr. HEFLIN. I wish again to say that to amend the resolution means delay and probably the defeat of it. I notice some of my friends favor an amendment. My good friend from Arkansas [Mr. CARAWAY] is sincere in his proposition, but I am merely saying what the effect of it would be if adopted. I hold that it is not necessary. If the bids are not what it is desired they should be, we can object to them when they are reported back.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Louisiana?

Mr. HEFLIN. I yield.

Mr. BROUSSARD. May I ask the Senator a question?

Mr. HEFLIN. I yield to the Senator.

Mr. BROUSSARD. If it be the purpose to expedite the consummation of a contract, as so many Members of the Senate are in favor of the distribution of the surplus power, does not the Senator believe that this is the proper time to make known to the committee to be appointed that this body regards the distribution of the surplus power as something of great importance, so that in asking for bids there may be a suggestion as to what disposition will be made of that surplus? I merely make that inquiry for the purpose of bringing to the Senator's attention the fact that, knowing beforehand many Members of this body are insisting that some provision be put into the resolution for the distribution of surplus power, it would be futile to get a bid unless it provided for that; that if the committee came back with such a proposal this body would reject it.

Mr. HEFLIN. The point I am making is that they know what is going on here; they know what occurred in the committee and that Members are demanding that the resolution be amended, and have stated the reason for their demand; so that those who desire to submit bids will be advised, and if they find out that other bidders have not included such a provision in their bids they will have an advantage. So I wish to say to my friend that I am satisfied some of the bids will contain such provisions because the bidders will want to get Muscle Shoals. Personally, I would not object to some of these amendments but I know what the situation is. I was talking yesterday with Representative GARRETT, the minority leader in the other House. He is one of the ablest men in that body or who has even been in it. He is a good parliamentarian and a mighty good Democrat. I was talking to him about the matter and he said: Adopt the resolution just as it is, and we are certain to get action.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I yield to my friend from Arkansas.

Mr. CARAWAY. A conference report in the House is a privileged matter, and a vote on it can be secured at any time.

Mr. HEFLIN. The point is they might not pass it if they did get a vote.

Mr. CARAWAY. We could ascertain that fact. If the Senator is not opposed to an equitable distribution of the surplus power, if there be any, he could accept an amendment of that kind in this resolution and strengthen it very much, and it would be fair to the proposed bidders to let them understand that there is not any disposition in Congress to permit one power company to monopolize the power or one community to have an exclusive right to this surplus power, if any.

I am perfectly willing, as the Senator knows, to help secure the adoption of this resolution if it shall contain such a declaration. The Senator will recall that in the Committee on Agriculture, if I may be permitted to discuss what took place in the committee—and that has been done before—the vote stood 8 to 8 on exactly these two propositions. I think the Senator makes a mistake when he wants to impugn the motives of those who are not willing to accept the resolution as sacred.

Mr. HEFLIN. No; I am not taking any such position as that.

Mr. CARAWAY. I have so understood the Senator.

Mr. HEFLIN. The Senator has misunderstood me.

Mr. CARAWAY. Then I have, because I thought the Senator was classing everybody as opposed to the farmers who did not agree with his position.

Mr. HEFLIN. Not at all; I have no ill feeling toward anyone who has taken the opposite position.

Mr. CARAWAY. It does not take ill feeling to make charges, because the Senator has made them very freely, and I know he has not any ill will against anybody.

Mr. HEFLIN. I have no ill will against anybody.

Mr. CARAWAY. I thought the Senator said that everybody who would not vote for this resolution unamended was against the farmers and for the Power Trust.

Mr. HEFLIN. The Senator may have been stung by the suggestion, but I was merely inquiring who are the friends of the farmers.

Mr. CARAWAY. Of course, what the Senator said was not sharp enough to sting anybody.

Mr. HEFLIN. I appreciate that, but I can not yield to the Senator to take up my time to tell whether things are sharp or dull when I do not know whether he is capable of passing on that point.

Mr. President, I knew what was going on, and we had just as well fight it out and strip all of the opposition to the public. The President wants this question disposed of; two-thirds of the Members of the Senate and more want it disposed of in this form; the House of Representatives has gone on record by a vote of 9 to 1 favoring it; and now we are being held up and hamstrung by Senators who come from the cotton-growing States who are seeking to defeat this resolution. I hope they will not insist upon the amendment, and especially do I hope that my good friend from Arkansas will not do so, because it is against his whole record.

Mr. CARAWAY. Let me ask the Senator another question.

Mr. HEFLIN. I yield.

Mr. CARAWAY. The Senator is talking about being held up. He took the floor at 2 o'clock for 15 minutes and he has got it yet. [Laughter.]

Mr. HEFLIN. Mr. President, I have been interrupted time and time again by a great many irrelevant suggestions. I have been good enough to yield to them, but I am not responsible for some Senators' rambling thoughts. I had nothing to do with them; God Almighty is responsible for them. [Laughter.]

Mr. CARAWAY. I think the Senator is responsible for his own.

Mr. HEFLIN. No, Mr. President, I am not. God Almighty is responsible for mine. [Laughter.]

Mr. CARAWAY. Oh, do not charge Him with that. [Laughter.]

Mr. SMITH. Let the Senator have mercy.

Mr. HEFLIN. You will cry for mercy worse than that when the farmers ask you what you did when you had an opportunity to deliver them from the Fertilizer Trust body of death. When they ask you if this resolution did not provide that fertilizer be made at Muscle Shoals in an amount equal to that which Ford agreed to make, I can understand why some Senators are wincing and wiggling under this situation.

Mr. CARAWAY. Let me ask the Senator another question.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield.

Mr. CARAWAY. What I wanted to ask the Senator was this: He is very anxious that no kind of amendment be accepted to this resolution. If the Senator is only actuated by the desire to have fertilizer made, what is his objection to having an equitable disposition of the surplus power, if any?

Mr. HEFLIN. Because it is not necessary. If the bids do not specify a satisfactory arrangement, we can reject them, as the Senator knows, without loading down the resolution with stuff which would make it obnoxious so that the proposition would not be inviting to anybody, and the Government would be handicapped in getting bids. If acceptable bids shall not be made by the 1st of April, which is just 30 days away, the Senate and the House will have the right to reject them and then dispose of the question as they see fit. That is my position. I am sorry my friend from Arkansas injected this suggestion in here, because I am personally very fond of him.

Mr. CARAWAY. Of course. But let me ask the Senator this question: If we expect to get an intelligent bid, the bidder ought to know what are the conditions under which his bid will be accepted, ought he not?

Mr. HEFLIN. The bidders will know. In construing a statute the court takes into consideration the debates that take place when the statute was enacted in order to ascertain the intention of the lawmaking body.

Mr. CARAWAY. If there is not any sinister motive, if there is not somebody whose bid has already been tentatively accepted, then what objection could there be to saying that the surplus power, if any, shall be equitably distributed?

Mr. HEFLIN. Mr. President, I do not know who is going to bid. I am satisfied that no bid is prepared and ready. I do not know, and I deny, so far as I can that anybody has agreed to accept any bid. I do not think that is so; I am sure that it is not. So my contention, I again state, is that it is not necessary to amend this resolution; that it will endanger its passage if it shall be amended, and that we ought to let it go to the country as it is, inasmuch as it has the indorsement of the President, has received the indorsement of an overwhelming majority of the House of Representatives, with every Member from Arkansas voting for it, every Member from Alabama but one voting for it, and every Member from Tennessee, South Carolina, North Carolina, Mississippi and the other Southern States—not a dissenting voice outside of one in my own State.

They talk about "trying to put something over" on somebody. The President called on Congress in his message to do something with Muscle Shoals; a commission went down there at the instance of the President, and coming back, recommended that we make another effort to get bids; the property is there ready to go to work, ready to pay back the money the Government has expended. Here is an opportunity to do that, an opportunity to make fertilizer to relieve our farmers from the high prices imposed on them by the Fertilizer Trust, and yet Senators suggest the idea of amending it concerning power.

I said awhile ago they had lost sight of the farmer entirely; they have gone off after distribution of 80,000 primary horsepower down there. They talk like dam No. 2 at Muscle Shoals is another Niagara Falls.

The power possibilities, as I said a moment ago, are greater in the State of Tennessee than in my own State, and Professor Curtis, who appeared before us and was a member of the President's commission, said that power could not be transmitted from Muscle Shoals to New Orleans; that it would not reach New Orleans from Muscle Shoals. Another expert told me that power lost 12½ per cent each 100 miles in transmission. It is over 300 miles from Muscle Shoals to New Orleans—I think it is nearer 400 miles—so that Senators may see how much power would be lost in that distance, and, with such a great loss, the price of light and power at New Orleans would be tremendous if the power could be transmitted from Muscle Shoals to that city.

Mr. President, I wish to say further that last year, when the drought was on, power was furnished from plant No. 2 to another power company across in Georgia, thus enabling them to furnish power to South Carolina and to North Carolina. These power concerns help each other. There will not be the slightest doubt about their getting power from Muscle Shoals; and if these power developments continue on that river they will have all that they want. Other States are developing their power. There will not be any question about that. Let us wait until the bids come in, and if they are not what they ought to be we can reject them.

I want to suggest that if my recollection serves me correctly, when the Ford bid was up, which my friend from Tennessee and my friend from South Carolina supported so enthusiastically, the Senator from Nebraska said that all the other bids were better than the Ford bid. He did not like the Ford bid at all. If that is so, my friend and I were supporting a bad proposition, were we not? If all the other bids were better, either that was true, or the Ford bid was good and the others were better. So if Ford is out of it, as he is, and somebody else will bid, perhaps some of the same gentlemen will bid that the Senator from Nebraska referred to; and if their bid was better than the Ford bid, why can not the Senator from Tennessee and the Senator from South Carolina join with us and accept one that will do what we want done?

Let us remember, Mr. President, that the Government is trying to lease this property; that the Government has on its hands a proposition that it inherited from the war. The Government wants to turn it to good account; and what are we going to do? We are going to make it pay millions of dollars to the Government in the 50 years that it is to be used. What has the Government done? It gave millions of acres of land to private individuals for homes. It gave millions of acres of land to railroad companies. It spent millions and millions for reclamation purposes, and not one of them has ever paid to the Government even the interest. What else? It has appropriated, in the last 25 years, over $700,000,000 for river and harbor purposes, and not one of those projects has ever returned a dollar upon the investment. We have spent $150,000,000 and more on the Ohio River, with its tributaries. I am not complaining about that. It is a good work, but those projects do not pay back a single cent.

Here is a plant that we had put up for war purposes, now on our hands, ready for operation. We have an opportunity to get 50 years of service from it, paying millions of dollars to the Government, and holding it ready to make nitrates in time of war and make fertilizer for our farmers in time of peace.

Let me say this before I sit down: Let the Senator from South Carolina and the Senator from Tennessee and the other Senators who oppose us, if the bids when they come in are not equal to or better than the Ford bid which they supported, attack them in this body. The concurrent resolution says it must be as good as the Ford bid. Then, Mr. President, if it is, we free the farmers from the clutches of the fertilizer trust; we free our Government from the grip of a monopoly, a foreign

power, serving us our nitrates in time of war. If some power should intercept these shipments in time of war, we would be left in the lurch. No government should be dependent upon another power for its nitrate supply. This proposition relieves the Government; this proposition relieves the farmer; this proposition provides money for the Treasury of the United States and leases the plant for 50 years instead of 100 years.

Mr. SMITH. Mr. President, the hour is late, and this is a matter of great importance. As I happen to be the author of the particular item of legislation upon which all this discussion has been predicated I want to speak at some length on it, but do not feel disposed to go on to-night. I think the Senate ought to be given a clear, fair statement of the issues involved in this matter; and I desire to ask the Senator from Kansas [Mr. CURTIS] if he does not think we might now postpone any further discussion of this matter until to-morrow?

Mr. CURTIS. Mr. President, if no one cares to discuss the question at this time, I will ask for an executive session after the Senator from Georgia [Mr. GEORGE] has submitted an amendment which I understand he desires to present.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. SMITH. Yes; I yield, Mr. President. I desire to make an explanation, however.

Mr. GEORGE. I offer an amendment to the pending resolution, House Concurrent Resolution No. 4, and ask that it may be printed and lie on the table.

The PRESIDING OFFICER. That order will be made.

Mr. SMITH. Mr. President, I do not know what report may go out. Of course the press will give a faithful reflection of what has occurred here; but the impression seems to be prevalent—and this is the only observation I care to make on this concurrent resolution at this time—that we have wasted a lot of time on this project. Why, just in July of this year the result of the continuous construction of this plant culminated in the completion of certain turbines. We have not lost an hour. We are installing right now, and have been using for the first time within the last three or four months, the power that was generated under the original dedication of this money.

Mr. McKELLAR. Mr. President——

Mr. SMITH. I want the public to understand that we have spent practically $150,000,000 with a distinct, definite objective in view, and that was that the Government should provide itself, if possible, with an ample supply of the essential basis of explosives—nitrogen.

This is not a power project. We never went before the people and asked for $150,000,000 to develop power. The power was already developed; that is, the process was understood. It was for the purpose of developing the art of fixing nitrogen from the air, and we have not developed it yet. The cyanamide plant that we have at Muscle Shoals can not compete with the nitrate from Chile. Even with the enormous tax paid at ship's side in Chile and the freight to this country, and the rake-off by the monopoly, the cyanamide process in use at Muscle Shoals now can not compete. The product is not in a form that is available for those whom I actually in my person represent. It has to go through a manufacturing process, and both processes are owned and controlled by the Fertilizer Trust of America; and the leasing of this power means the leasing of the process and the abortion of any further development on the part of the Government. We have spent this money for the purpose of having the Government experiment until it shall decide what process will give relief to the farmer, and not turn it over to a private corporation.

Let me say here now that when I introduced the present bill, which is a part of the national defense act, the senior Senator from Alabama [Mr. UNDERWOOD] offered an amendment or a substitute giving to private individuals or a private commission the power that we delegated to the Government, authorizing them to go out and find a means by which the Government might be relieved from the necessity of going to a foreign country to get its nitrate supply. After days of debate the Senate voted down the amendment and said that the defense of the country was a thing for the Government itself to undertake; that in order to supply itself with an abundance of this essential ingredient it must keep its plant in a stand-by condition; and, as the disorganized and helpless farmers needed the very ingredient to fertilize their land that we needed to defend our country, the Senate decided that the Government had a constitutional right to go ahead and develop the process, keep this plant in a condition by which we could be forever free from any foreign government monopoly, and incidentally relieve the farmers from the manipulation of the combination that has now burdened them to a point where, in the section of the country from which I come, the price of the fertilizer eats up all the profit that the farmer makes.

Thus much to-night, Mr. President.

Mr. CURTIS and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. SMITH. I yield the floor now, Mr. President, with the understanding that we are to take a recess at this time.

Mr. CURTIS. I ask unanimous consent that the unfinished business may be temporarily laid aside, as it is desired to pass some legislation to-night.

Mr. McNARY. If the Senator will yield for a moment, I desire to propose an amendment to the pending concurrent resolution and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table. Without objection, the unfinished business will be temporarily laid aside.

WHITE RIVER BRIDGES

Mr. WILLIAMS. I ask unanimous consent for the present consideration of Senate bill 2974, Order of Business 202.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. What is the bill?

Mr. JONES of Washington. Let the bill be read.

Mr. WILLIAMS. It is a bill for the construction of a bridge across the White River in Barry County, Mo., bonds already having been issued and sold; and immediately following it is another bill of the same kind.

Mr. McKELLAR. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2974) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Barry, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, in the county of Barry, State of Missouri, in section 6, township 21 north, range 25 west of the fifth principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIAMS. I now ask unanimous consent for the immediate consideration of Senate bill 2975, Order of Business 203.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2975) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Barry, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, in the county of Barry, State of Missouri, in section 22, township 22 north, range 25 west of the fifth principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened,

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, March 2, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1926

POSTMASTERS

ILLINOIS

Charles E. Seeber, Benton.
William H. Pease, Harvey.
Jacob H. Maher, Hull.
Joseph B. Frisbie, Mendon.
George F. Allain, St. Anne.

NEW MEXICO

Oliver G. Cady, Alamogordo.
Mary C. DuBois, Corona.
Lillie Sutton, Vaughn.

PENNSYLVANIA

Jay E. Brumbaugh, Altoona.
Samuel M. Lambie, Ambridge.
Margaret B. Hill, Saltsburg.
Benjamin S. Davies, West Brownsville.

TENNESSEE

John M. Fain, Bristol.
Emmett V. Foster, Culleoka.
Charles F. Perkins, Jacksboro.
Solon L. Robinson, Pikeville.
Myrtle Rodgers, White Bluffs.
Newton S. Moore, Whiteville.

HOUSE OF REPRESENTATIVES

MONDAY, *March 1, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

In this hushed moment, O Lord, may we pause and know that Thou art God. Thy works of wisdom and mercy are manifold and Thy goodness endureth throughout all generations. We are glad to be here, because we are thankful to be anywhere. We bless Thee for the wit to work and for the hope to keep us brave; also for beating human hearts that love and laugh and weep. Dear Lord, bless us with minds at peace and with hearts whose love is innocent. As we move through the doorway of a new week, confirm the tidings of a father's care. Spread the light of Thy truth before our approaching pathway and assure us that the hand that made us is divine. Amen.

The Journal of the proceedings of Saturday last was read and approved.

CALL OF THE HOUSE

Mr. STRONG of Kansas. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Kansas makes the point that no quorum is present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 45]

Abernethy	Ellis	Luce	Swoope
Aldrich	Flaherty	McFadden	Thayer
Berger	Fredericks	Mills	Tillman
Chapman	Fulmer	O'Connor, N. Y.	Tincher
Cleary	Golder	Pratt	Vare
Connally, Tex.	Gorman	Rogers	Walters
Connolly, Pa.	Jenkins	Rouse	Warren
Cox	Jones	Sanders, N. Y.	Wood
Doyle	Kendall	Seger	Wright
Drewry	Lee, Ga.	Sullivan	

The SPEAKER. On this roll call 392 Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

RAILROAD LABOR DISPUTES

The SPEAKER. The pending question is the engrossment and third reading of the bill H. R. 9463, a bill relating to railway labor disputes.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I have a motion to recommit.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, on Saturday last, while the House was in the Committee of the Whole House on the state of the Union, I gave notice that it was my purpose, if I received recognition, to offer a motion to recommit the bill with certain instructions, reading the motion that I intended to make. That appeared in the RECORD. In studying the matter since that time I have come to the conclusion that the motion would be ruled out on a point of order. Therefore it is useless to make the gesture of offering it, and I simply desired to make this statement giving my reason why I did not offer it. There is no other motion that I have in mind that will reach the purpose I desire to reach.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. I am.

The SPEAKER. Is there any other Member opposed to the bill who has a motion to recommit? The Chair recognizes the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report the same back forthwith with the following amendment.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with instructions to report the same back forthwith with the following amendment:

Page 27, line 24, after the word "creation," strike out the period, insert a colon and the following proviso, to wit:

"*And provided further,* That—

"(h) All testimony before said emergency board shall be given under oath or affirmation, and any member of said board shall have the power to administer oaths or affirmations. The said board shall have the power to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the board material to a just determination of the matters submitted to its arbitration, and may for that purpose request the clerk of the district court of the United States for the district wherein its investigation is being conducted to issue the necessary subpœnas, and upon such request the said clerk or his duly authorized deputy shall be, and he hereby is, authorized, and it shall be his duty, to issue such subpœnas. In the event of the failure of any person to comply with any such subpœna, or in the event of the contumacy of any witness appearing before said board, the board may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as provided for in the act to regulate commerce approved February 4, 1887, and the amendments thereto."

Mr. PARKER. Mr. Speaker, I move the previous question on the motion to recommit.

The motion was agreed to.

The SPEAKER. The question is on the motion to recommit the bill with instructions.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 16 ayes and 292 noes.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All those in favor of taking the yeas and nays will rise. Four gentlemen have arisen, not a sufficient number, and the motion to recommit is lost. The question is on the passage of the bill.

Mr. PARKER. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 381, nays 13, not voting 38, as follows:

[Roll No. 46]

YEAS—381

Ackerman	Beers	Bulwinkle	Colton
Adkins	Begg	Burdick	Connery
Allen	Bell	Burtness	Cooper, Ohio
Allgood	Bixler	Burton	Cooper, Wis.
Almon	Black, N. Y.	Busby	Corning
Andresen	Black, Tex.	Butler	Coyle
Andrew	Bland	Byrns	Cramton
Anthony	Bloom	Campbell	Crisp
Appleby	Boies	Canfield	Crosser
Arentz	Bowles	Cannon	Crowther
Arnold	Bowman	Carew	Crumpacker
Aswell	Box	Carpenter	Cullen
Auf der Heide	Boylan	Carss	Curry
Ayres	Brand, Ga.	Carter, Calif.	Darrow
Bacharach	Brand, Ohio	Carter, Okla.	Davenport
Bachmann	Briggs	Celler	Davey
Bacon	Brigham	Chalmers	Davis
Bailey	Britten	Chindblom	Dempsey
Bankhead	Browne	Clague	Denison
Barbour	Browning	Cole	Dickinson, Iowa
Barkley	Brumm	Collier	Dickstein
Beck	Buchanan	Collins	Doughton